

SENATE JOURNAL  
OF THE  
First Extraordinary Session  
Forty - Second Legislature  
OF THE  
STATE OF WASHINGTON  
AT  
Olympia, the State Capital

Convened March 12, 1971  
Adjourned Sine Die May 10, 1971

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



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JOHN A. CHERBERG, *President of the Senate*  
AL HENRY, *President Pro Tempore*  
JAMES E. KEEFE, *Vice President Pro Tempore*

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R. R. BOB GREIVE, *Floor Leader*  
WILLIAM A. GISSBERG, *Majority Whip*  
REUBEN A. KNOBLAUCH, *Secretary*

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JAMES A. ANDERSEN, *Floor Leader*  
BOB MCDUGALL, *Minority Whip*  
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## JOURNAL OF THE SENATE

## STATE OF WASHINGTON

## FIRST EXTRAORDINARY SESSION

## OF THE

## FORTY-SECOND LEGISLATURE

## FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, March 12, 1971.

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Terri Bean, Color Bearer, and Jim Talley, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"Creator God, without Whose support we cannot exist and without Whose favor we cannot prosper, at the beginning of this new day and of this special session we lift up our eyes unto Thee from whence our help must come. We invoke Thy blessing now upon each of our state legislators, upon our Governor and Lieutenant Governor. Help them to know assuredly: that this is Thy world, the object of Thy love, the arena of man's achievements, the scene of man's struggles; that this is Thy time, filled with new opportunities; and that we are Thy people, called to live under Thee in Thy kingdom and to serve. Keep their minds and hearts open to new revelations of truth and to new opportunities for serving. Make them yielded instruments of Thy Spirit that they may be more effectively wielded by Thee—to Thy glory and to the good of our great Commonwealth. Amen."

## MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, March 11, 1971.

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

MR. PRESIDENT:

I, A. Ludlow Kramer, Secretary of State of the state of Washington and custodian of the Seal of the said State, do hereby certify that: I have carefully compared the annexed copy of a proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 12th day of March, 1971, with the original copy of said proclamation by the Governor calling an extraordinary session of the Legislature to convene on the 12th day

of March, 1971, with the original copy 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 hereto the seal of the state of Washington. Done at the Capitol at Olympia on this the date of March 11, 1971.

(SEAL OF THE STATE OF WASHINGTON)

A. LUDLOW KRAMER  
Secretary of State.

### PROCLAMATION BY THE GOVERNOR

Office of the Governor, March 11, 1971.

The 1971 Session of the Washington State Legislature now has before it substantial legislation, touching a wide variety of issues, and of critical importance to the citizens of our State. Certain bills have received much public discussion, and legislative deliberation at the committee stage or by one house has been completed. Other bills, no less significant and in many ways far more sweeping in scope and impact, have not yet been given adequate legislative consideration. Because much of the work required of this Legislature is still to be completed, I am convening this first extraordinary session for the reasons listed below.

Those areas of major concern to which the Legislature should focus its attention include the following:

1. *Economic Recovery and Fiscal Affairs.* The present economic condition of the state, coupled with a need to avoid improvident tax increases, makes it incumbent that this Legislature consider various proposals for improving the state's economic condition in the short-run and providing a more workable and equitable fiscal framework for governmental operations in the future. Proposals for constitutional amendments which would permit a variable debt ceiling on state obligations and a procedure for lending the state's credit in certain instances must be deliberated. In addition, the JOBS NOW and WASHINGTON FUTURE programs should be adopted. The Legislature should consider bills which would permit the establishment of a regional development authority to foster a healthy economy in areas of our state which are experiencing a slow rate of growth or high unemployment. No set of bills in front of this Legislature are as important, in my view, as these proposals designed to stimulate economic recovery in our State. We cannot depend solely on support from Washington, D.C., or from any other source if we are to achieve economic progress. It must come from our own efforts, and the measures now before you, if adopted, will indicate legislative leadership in achieving prosperity for our State. Finally, and obviously, the Legislature must adopt a budget for the 1971-73 biennium.
2. *Environment.* This is not a time for the Legislature to arrest the substantial progress made in previous sessions toward protecting the environmental attributes which are an integral part of this state's heritage. Legislation to adopt a plan for management of our seacoasts and shorelines and of interior land areas, bills to preserve our natural rivers and protect our coastal waters, to enact a state Environmental Protection Act, to regulate the placement of billboards and the operation of vehicles on our ocean beaches, and to strengthen 1970 legislation relating to oil spills in our waters must receive the prompt consideration of this Legislature.
3. *Human Resources.* This Legislature must carefully consider proposals which have been introduced to provide comprehensive health planning for this state, modify and modernize the state industrial insurance system, provide a state housing corporation and extend substantial rights and responsibilities to our Indian citizens.
4. *Citizen and Consumer Affairs.* Many bills have been introduced which will offer this State's citizens needed protection and substantive rights which are absent in our present laws. Among these are bills relating to the law of landlord and tenant, requiring the unit pricing of certain grocery items, adopting a statewide building code and a housing standards act, including sex as a prohibited discrimination under the laws of the State Board Against Discrimination, making substantial changes in the laws of community property and authorizing a study of various no-fault automobile insurance plans as an alternative to the present tort liability system.
5. *Government Improvement.* The Legislature should adopt a plan for reporting of campaign contributions and expenditures by candidates for political office and campaign committees in this state. It should consider proposals to authorize annual sessions of the Legislature and annual general elections in this state. Additionally it should permit an evaluation of the present system of providing transportation across Puget Sound, with recommendations of the means best suited to attaining a high level of cross-sound service in the future.
6. *Governmental Reorganization.* The Legislature has before it bills which would create a new Department of Transportation, a Department of Finance and Business Regulation, a Department of Natural Resources and a Department of Justice. It

should also consider expanding and modernizing the Department of Revenue in order to better serve the revenue collection needs of the State. Finally, it should review a proposal giving the Governor authority to make executive reorganization, subject to legislative approval.

As a result of these conditions, an emergency exists constituting an extraordinary occasion within the meaning of Article III, Section 7, of the Constitution of the State of Washington:

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 twelfth day of March, A.D. 1971, at the hour of nine o'clock a.m., and

I DO HEREBY SPECIFY, in accordance with the requirements of the Constitution that the purposes for which the Legislature is convened are:

To appropriate sufficient funds, and raise sufficient revenues, to carry on the necessary functions and services of state government; and

To consider the enactment of the several other measures specified above for the benefit of the people of the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 11th day of March, A.D., Nineteen Hundred and Seventy-one.

DANIEL J. EVANS  
Governor of Washington.

BY THE GOVERNOR:  
A. LUDLOW KRAMER  
Secretary of State.

(SEAL OF THE STATE OF WASHINGTON)

#### MESSAGE FROM THE HOUSE

March 12, 1971.  
Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 853, by Senators Washington and Jolly:

An Act relating to motor vehicle fuel tax refunds; and amending section 82.36.280, chapter 15, Laws of 1961 as amended by section 23, chapter 281, Laws of 1969 ex. sess. and RCW 82.36.280.

Referred to Committee on Transportation.

SENATE BILL NO. 854, by Senators Whetzel, Wilson and Jolly:

An Act relating to public trust lands; directing the sale of certain trust lands to the state parks and recreation commission; and creating a new section.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE BILL NO. 855, by Senators Holman and Atwood:

An Act relating to revenue and taxation; amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030; amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040; amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080; amending section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 84.48 RCW; adding a new chapter to chapter 15, Laws of 1961 and to Title 84 RCW; creating new sections; repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129; repealing section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, Laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation.

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SENATE CONCURRENT RESOLUTION NO. 19, by Senators Bailey and Atwood:  
Providing for reintroduction of bills and adopting the joint rules.

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 19 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 19 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## MOTION

Senator Holman moved that the rules be suspended and Senate Concurrent Resolution No. 19 be returned to second reading.

Debate ensued.

The motion failed on a rising vote.

The motion by Senator Bailey carried, Senate Concurrent Resolution No. 19 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 26, by Representative Bledsoe:  
Notifying the Governor that the legislature is organized.

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 26 was advanced to second reading and read the second time in full.

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 26 was advanced to third reading, the second reading considered the third and the resolution was adopted.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Andersen, Mardesich and Odegaard to serve as the members from the Senate under the provisions of House Concurrent Resolution No. 26 to notify the Governor that the legislature is organized and ready to transact business.

On motion of Senator Greive, the committee appointments were confirmed.

The committee retired.

## COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Lynch, Bagnariol and Gilleland appeared before the bar of the Senate to notify the Senate that the House was organized and ready to do business.

The report was received and the committee retired.

## REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Andersen, Mardesich and Odegaard appointed under the provisions of House Concurrent Resolution No. 26 to notify 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.

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

## SENATE RESOLUTION 1971-EX-26

By Senators Greive and Andersen:

BE IT RESOLVED, By the Senate, that the rules of the Senate of the forty-second session be adopted as the temporary rules of this extraordinary session for the first five days of said extraordinary session and shall expire on Tuesday, March 16, 1971, the fifth legislative day of said session, or until such earlier time as permanent rules may be adopted.

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

## SENATE RESOLUTION: 1971-EX-27

By Senators Bailey and Atwood:

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-second 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-second 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 extraordinary session of the forty-second legislature.

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

## SENATE RESOLUTION: 1971-EX-28

By Senators Greive and Andersen:

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 extraordinary session of the forty-second legislature.

## APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Donohue, Huntley and Stortini to serve as a committee to notify the House that the Senate is organized and ready to do business.

On motion of Senator Atwood, the committee appointments were confirmed.

The committee retired.

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

## SENATE RESOLUTION: 1971-EX-29

By Senators Stortini, Gardner, Knoblauch, McCutcheon and Newschwander:

WHEREAS, The worth of amateur competition in sports was demonstrated again this week with the fine first place victory of the Tacoma Community College Titans in the community college conference tournament held in Longview; and

WHEREAS, The Titans' record of twenty-six wins and three losses is not only the best record of any college or university in this state, but would be an enviable record for any basketball five in the Nation; and

WHEREAS, Don Moseid, coach at Tacoma Community College for these past four years, while directing the Titans into a tournament berth each of those years, for the first time realizes a championship team therein; Don, always an excellent strategist and stickler for his players' knowing basic fundamentals of the game, excels in a more important quality, that of inspiring each individual player to do his very best in each game;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate, that we do congratulate the Tacoma Community College Titans, their coach, Don Moseid; that we do hereby recognize this team personified the best in amateur basketball competition with its excellent all-around team balance and a team attitude which personified the best in sports competitiveness; and not least, that we from other areas of this state do concede that Tacoma area basketball in quality is at present the envy of other areas of the state;

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare and send copies of this Senate Resolution to every member of the team, their coach, Don Moseid, and to the President of Tacoma Community College.

## REPORT OF SPECIAL COMMITTEE

The special committee appointed to notify the House that the Senate was organized and ready to do business appeared before the bar of the Senate and reported that the House had been notified.

The report was received and the committee was discharged.

President Pro Tempore Henry assumed the Chair.

## THIRD READING

ENGROSSED SENATE BILL NO. 1, by Senators Durkan and Odegaard:

Limiting the property tax raise in each taxing district.

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. 1, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Voting nay: Senator Murray-1.

ENGROSSED SENATE 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.

ENGROSSED SENATE BILL NO. 32, by Senators Francis and Stender: Allowing a divorced mother to bring an action for injury or death of her minor child.

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. 32, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Voting nay: Senator Clarke-1.

ENGROSSED SENATE BILL NO. 32, having received the 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. 35, by Senator Wilson:

Authorizing Eastern Washington State College to grant certain bachelor degrees.

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. 35, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

SENATE BILL NO. 35, having received the 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. 37, by Senator Wilson:



Providing that no property segregation be made unless all delinquent taxes and assessments have been paid.

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. 37, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senators Elicker, Holman, McDougall, Metcalf, Newschwander—5.

ENGROSSED SENATE BILL NO. 37, having received the 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. 45, by Senators Durkan, Foley, Guess and Sandison:

Increasing property tax exemption for senior citizens.

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. 45, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3;

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall—46.

Voting nay: Senators Atwood, Twigg, Whetzel—3.

SENATE BILL NO. 45, having received the 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. 46, by Senators Wilson and Odegaard:

Permitting school districts to lease school buses under certain emergency circumstances.

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. 46, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 46, having received the 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. 47, by Senators Henry, Knoblauch and Huntley (by departmental request):

Providing for certain changes relating to motor vehicles.

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. 47, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 47, having received the 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. 49, by Senators Washington, Henry and Huntley (by departmental request):

Providing certain changes in the regulation of motor vehicle wreckers.

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. 49, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 56, by Senators Atwood, Henry and Talley (by departmental request):

Providing for certain changes relating to the department of civil defense.

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. 56, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 56, having received the 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. 57, by Senators Holman, Wilson and Elicker:  
Providing for payment of certain costs and expenses for indigents.  
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. 57, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Whetzel, Wilson, Woodall-45.

Voting nay: Senators Andersen, Guess, Talley, Twigg-4.

SENATE BILL NO. 57, having received the 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. 62, by Senators Francis, Walgren and Gissberg:  
Providing that a personal representative may recover damages for decedent's pain and suffering.

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. 62, and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Matson, Odegaard, Peterson (Lowell), Ridder, Scott, Stortini, Twigg, Walgren, Washington, Woodall-32.

Voting nay: Senators Andersen, Canfield, Clarke, Elicker, Guess, Huntley, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Stender, Talley, Whetzel, Wilson-17.

SENATE BILL NO. 62, having received the 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. 63, by Senators Atwood, Dore and Gissberg:  
Providing for autopsy in all cases where decedent died in jail or prison.  
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. 63, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall-48.

Voting nay: Senator Wilson-1.

ENGROSSED SENATE 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.

ENGROSSED SENATE BILL NO. 64, by Senators Atwood, Ridder and Gissberg (by departmental request):

Establishing procedures for issuance of occupational drivers' license.

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. 64, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gissberg, Greive, Guess, Herr, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Peterson (Lowell), Ridder, Stender, Stortini, Twigg, Walgren, Woodall-29.

Voting nay: Senators Canfield, Elicker, Foley, Gardner, Henry, Holman, Huntley, Jolly, McDougall, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Talley, Washington, Whetzel, Wilson-20.

ENGROSSED SENATE BILL NO. 64, having received the 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. 68, by Senators Ridder, Stender, Bailey and Stortini: Allowing vocational rehabilitation or retraining under industrial insurance coverage.

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. 68, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Voting nay: Senator Clarke-1.

SENATE BILL NO. 68, having received the 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. 73, by Senators Greive, Twigg, Woodall and Cooney (by Legislative Council request):

Precluding as evidence statements made by any party to a personal injury action unless copies of such statement be made available to him within ten days after request.

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. 73, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Andersen, Elicker, McDougall, Metcalf, Murray, Newschwander—6.

ENGROSSED SENATE 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.

ENGROSSED SENATE BILL NO. 86, by Senators Walgren and Twigg:

Requiring city and town clerks to keep on file original material concerning annexed areas.

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. 86, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE 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.

SUBSTITUTE SENATE BILL NO. 90, by Committee on Constitution, Elections, and Legislative Processes:

Providing for the preservation of legislative records.

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. 90, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SUBSTITUTE SENATE BILL NO. 90, having received the 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. 91, by Senators Gissberg, Woodall and Atwood:

Providing that service of process under the automobile long-arm statute shall be by return receipt requested registered mail to the last known address.

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. 91, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 91, having received the 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. 95, by Senators Talley, Washington, Huntley and Henry:

Allowing school buses to use studded tires.

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. 95, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Absent or not voting: Senator Francis—1.

ENGROSSED SENATE BILL NO. 95, having received the 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. 100, by Senators Whetzel, Cooney and Peterson (Ted) (by Legislative Council request):

Providing for control by the boundary review boards of certain action by cities, towns, or special purpose 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. 100, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 100, having received the 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. 102, by Senators Stender, Talley, Connor and Whetzel (by Legislative Council request):

Providing for reduction in the number of fire commissioners in a merged fire protection district.

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. 102, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 102, having received the 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. 114, by Senators Francis, Woodall and Holman:

Providing that a state medical aid lien bears proportionate share of attorney's fees when satisfied by recipients' independent action.

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. 114, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 114, having received the 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. 120, by Senators Lewis, Sandison, Henry, Odegaard, Gardner, Holman, Knoblauch, Peterson (Lowell), Elicker, McDougall, Atwood, Herr, Peterson (Ted), Huntley, Greive, Canfield, Stender, Talley, Scott, Durkan, Twigg, Dore, Ridder and Washington (by executive request):

Conforming Washington unemployment compensation law to federal law generally.

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. 120, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon,

McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 120, having received the 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. 125, by Senators Odegaard, Lewis and Talley (by departmental request):

Providing changes in approval of persons for participation in work release programs.  
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. 125, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 125, having received the 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. 126, by Senator Dore:

Relating to nonprofit corporations.

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. 126, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED SENATE BILL NO. 130, by Senators McDougall, Matson and Talley:  
Authorizing parking and business improvement areas and special assessments therefor.  
The bill was read the third time and placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 130, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive,



Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Newschwander—1.

REENGROSSED SENATE 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.

ENGROSSED SENATE BILL NO. 133, by Senators Foley, Newschwander, Andersen and Canfield (by Legislative Budget Committee request):

Transferring powers from the boards of trustees of community colleges to the college 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. 133, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—47.

Voting nay: Senators Ridder, Wilson—2.

ENGROSSED SENATE BILL NO. 133, having received the 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. 135, by Senators Wilson, Canfield and Donohue:

Providing an assessment on each meat food animal to support the livestock disease diagnostic service.

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. 135, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson—42.

Voting nay: Senators Atwood, Durkan, Elicker, Francis, Gardner, Talley, Woodall—7.

ENGROSSED SENATE BILL NO. 135, having received the 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. 136, by Senators Henry and Huntley:

Regulating the use of blue lights on emergency vehicles.

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. 136, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senators Knoblauch, Metcalf—2.

Absent or not voting: Senator Francis—1.

ENGROSSED SENATE BILL NO. 136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 137, by Senators Fleming, Andersen and Stortini (by departmental request):

Providing a change in the law relating to lost instruments.

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. 137, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 137, having received the 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 SECOND SUBSTITUTE SENATE BILL NO. 146, by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution:

Enacting the Uniform Controlled Substances Act.

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 Second Substitute Senate Bill No. 146, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senator Fleming—1.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, having received the 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. 151, by Senators Holman and Foley (by State Finance Committee request):

Implementing school plant facilities bond aid act of 1969.

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. 151, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 151, having received the 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. 156, by Senators Guess, Donohue, McDougall and Peterson (Lowell):

Providing for the licensing and regulation of snowmobiles.

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. 156, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel—43.

Voting nay: Senators Day, Matson, Odegaard, Talley, Wilson, Woodall—6.

ENGROSSED SENATE BILL NO. 156, having received the 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. 160, by Senators Wilson, Peterson (Ted) and Odegaard:

Changing basis of weighing of votes for state board of education members.

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. 160, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE 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.

ENGROSSED SENATE BILL NO. 163, by Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request):

Providing for acceptance of ID besides the Washington State liquor ID card.

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. 163, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senator McCutcheon—1.

ENGROSSED SENATE BILL NO. 163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 168, by Senators Wilson, Stender, Talley and Washington:

Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available.

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. 168, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Stender—1.

ENGROSSED SENATE BILL NO. 168, having received the 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. 172, by Senators Huntley and Washington (by departmental request):

Providing for changes in the law relating to highway relocation payments.

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. 172, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Voting nay: Senators Fleming, Francis, Ridder-3.

ENGROSSED SENATE BILL NO. 172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 183, by Senators Holman, Clarke and Elicker:

Requiring a claim for mechanics' and materialmen's liens to contain the address of claimant.

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. 183, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

ENGROSSED SENATE 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.

SENATE BILL NO. 196, by Senators Odegaard, Sandison and Metcalf (by departmental request):

Creating aid program for paroled, discharged prisoners and felons granted probation.

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. 196, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent or not voting, 1.

Voting yea: Senators Bailey, Clarke, Connor, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Knoblauch, McCutcheon, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson-33.

Voting nay: Senators Andersen, Atwood, Canfield, Cooney, Day, Gissberg, Guess, Huntley, Keefe, Lewis, McDougall, Mardesich, Matson, Newschwander, Woodall-15.

Absent or not voting: Senator Twigg-1.

SENATE BILL NO. 196, having received the 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. 208, by Senators Sandison, Durkan, Foley and Atwood:

Submitting budgets of four state colleges and state's universities to governor's control.

The bill was read the third time and placed on final passage.

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## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 208, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 216, by Judiciary Committee:  
Providing for the registration of escrow agents.  
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. 216, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Elicker—1.

SUBSTITUTE SENATE BILL NO. 216, having received the 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. 219, by Senators Twigg and Guess:  
Providing authority for first class cities to exchange property for park 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. 219, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE 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.

ENGROSSED SENATE BILL NO. 227, by Senators Holman and Washington (by departmental request):

Providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care.

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. 227, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 227, having received the 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. 237, by Senators Holman and Francis (by Judicial Council request):

Establishing attorneys' fees in divorce cases.

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. 237, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senators Bailey, Metcalf, Stender—3.

Absent or not voting: Senator McCutcheon—1.

SENATE BILL NO. 237, having received the 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. 246, by Senators Dore, Holman, Foley and Clarke (by Judicial Council request):

Establishing juries at six or twelve persons.

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. 246, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senators Andersen, Clarke, Metcalf, Murray, Newschwander, Whetzel—6.

ENGROSSED SENATE 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.

SENATE BILL NO. 249, by Senator Holman (by Judicial Council request):  
Adopting a uniform law on the rendition of accused persons.  
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. 249, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 249, having received the 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. 260, by Senators Greive, Stender and Francis:  
Extending workmen's compensation to retail clerks.  
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. 260, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Woodall—39.

Voting nay: Senators Andersen, Atwood, Clarke, Guess, Huntley, McDougall, Metcalf, Newschwander, Twigg, Wilson—10.

SENATE BILL NO. 260, having received the 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. 261, by Senators Stender, Stortini, Ridder and Peterson (Ted) (by departmental request):

Providing wage protection to employees.  
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. 261, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted),



Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senators Andersen, Clarke—2.

ENGROSSED SENATE BILL NO. 261, having received the 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. 270, by Senators Greive, Talley and Stender:

Providing for withdrawal of water 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 Senate Bill No. 270, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 270, having received the 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. 273, by Senators Elicker, Odegaard and Gardner (by Joint Committee on Governmental Cooperation and by departmental request):

Authorizing for consent for drug and alcohol abuse care by minors.

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. 273, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Clarke, Connor, Cooney, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel—35.

Voting nay: Senators Andersen, Atwood, Canfield, Day, Donohue, Gissberg, Guess, Huntley, Jolly, Lewis, Metcalf, Newschwander, Wilson, Woodall—14.

ENGROSSED SENATE BILL NO. 273, having received the 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. 288, by Senators Bailey and Gardner (by Joint Committee on Governmental Cooperation and by departmental request):

Authorizing parks and recreation commission to call for new and higher bids in disposing of land not needed for park 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. 288, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 288, having received the 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. 302, by Senators Elicker, Clarke and Herr (by departmental request):

Providing for destruction of noncurrent public records.

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. 302, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 302, having received the 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. 314, by Senators Holman, Peterson (Lowell) and Connor (by Joint Committee on Governmental Cooperation and departmental request):

Providing for multiple land use of state-owned lands.

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. 314, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 314, having received the 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. 320, by Senator Durkan (by State Auditor request):

Replacing the auditor with the lieutenant governor on the public employees' retirement 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 Senate Bill No. 320, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Voting nay: Senator Scott-1.

SENATE BILL NO. 320, having received the 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. 321, by Senators Walgren and Twigg (by Municipal Committee request):

Increasing the membership of the advisory committee on the drug control unit.

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. 321, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

SENATE BILL NO. 321, having received the 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. 333, by Senators Jolly, Peterson (Lowell) and Peterson (Ted):

Establishing per diem and travel allowances for the game 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 Senate Bill No. 333, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

SENATE BILL NO. 333, having received the constitutional majority, was declared pass. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 335, by Senator Gissberg:

Prohibiting the commercial taking of crawfish.

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. 335, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 335, having received the 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. 352, by Committee on Transportation:

Providing use tax exemption for certain motor vehicles and trailers.

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. 352, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senators Day, Durkan—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 363, by Senators Guess, Henry and Washington:

Providing for acquisition of property by public agencies.

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. 363, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Donohue, Elicker, Gardner, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—30.

Voting nay: Senators Atwood, Cooney, Day, Dore, Durkan, Fleming, Foley, Francis, Gissberg, Greive, Herr, Lewis, McCutcheon, Mardesich, Newschwander, Peterson (Lowell), Ridder, Walgren, Woodall—19.

ENGROSSED SENATE BILL NO. 363, having received the 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. 380, by Senators Day, Woodall and Keefe:

Providing for health care benefits in certain circumstances notwithstanding provisions of the insurance contract.

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. 380, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44.

Voting nay: Senators Clarke, Elicker, Newschwander, Whetzel—4.

Absent or not voting: Senator Andersen—1.

ENGROSSED SENATE BILL NO. 380, having received the 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. 391, by Senators Gissberg and Lewis:

Validating plats or subdivisions notwithstanding defects in notice.

The bill was read the third time and placed in final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 391, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—47.

Voting nay: Senators Durkan, Whetzel—2.

ENGROSSED SENATE BILL NO. 391, having received the 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. 394, by Senators Durkan, Peterson (Lowell), Canfield, Woodall and Ridder:

Establishing the Washington commission on Mexican-American 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 Senate Bill No. 394, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 394, having received the 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. 410, by Senators Matson, McDougall and Wilson:  
Providing for the regulation of horticulture plants.

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. 410, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senators Cooney, Talley—2.

ENGROSSED SENATE BILL NO. 410, having received the 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. 411, by Senators Lewis, Henry, Woodall, Newschwander, Clarke, Guess, McDougall, Matson, Metcalf, Andersen, Donohue, Jolly, Day, Walgren, Mardesich, Keefe, Herr, Knoblauch, Talley, Stortini, Peterson (Lowell), Stender, Ridder, Connor, Twigg, Canfield, Holman and Odegaard:

Regulating outdoor music festivals.

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. 411 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Lewis—1.

ENGROSSED SENATE BILL NO. 411, having received the 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. 424, by Senators Dore, Donohue, Durkan, Knoblauch, Day, Odegaard, Huntley and Peterson (Ted):

Providing for reevaluation of property at same time within a county.

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. 424, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry,

Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—42.

Voting nay: Senators Atwood, Clarke, McDougall, Matson, Murray, Whetzel, Woodall—7.

ENGROSSED SENATE BILL NO. 424, having received the 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. 446, by Committee on Agriculture and Horticulture:

Regulating custom meat 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 Engrossed Substitute Senate Bill No. 446, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 446, 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.

SENATE BILL NO. 449, by Senators Gissberg, Andersen, Dore and Greive:

Providing for appeals procedures to the court of appeals.

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. 449, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 449, having received the 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. 496, by Senators Gissberg and Woodall:

Implementing law relating to homesteads, including awards in addition to or awards in lieu of.

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. 496, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE BILL NO. 496, 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.

SENATE BILL NO. 522, by Senators Keefe, Day and Fleming:

Providing for transfer of certain funds to the Washington public employees' retirement system.

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. 522, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Absent or not voting: Senator Francis—1.

SENATE BILL NO. 522, having received the 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. 737, by Senators Twigg, Day, Guess, Cooney and Keefe:

Creating a commission for Expo '74; authorizing bonds and 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. 737, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Whetzel, Woodall—37.

Voting nay: Senators Clarke, Fleming, McCutcheon, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—11.

Absent or not voting: Senator Francis—1.

ENGROSSED SENATE BILL NO. 737, having received the 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. 738, by Senators Twigg, Day, Guess, Cooney and Keefe:

Relating to the filing and licensing of business corporations.

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. 738, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Whetzel, Woodall—38.

Voting nay: Senators Elicker, Fleming, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—10.

Absent or not voting: Senator Francis—1.

ENGROSSED SENATE BILL NO. 738, having received the 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. 739, by Senator Twigg:

Pertaining to the acquisition of land and the construction and use of a state building in the city of Spokane.

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. 739, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Talley, Twigg, Washington, Whetzel, Woodall—37.

Voting nay: Senators Clarke, Fleming, McCutcheon, McDougall, Newschwander, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Wilson—11.

Absent or not voting: Senator Francis—1.

ENGROSSED SENATE BILL NO. 739, having received the 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 JOINT MEMORIAL NO. 3, by Senators Mardesich, Stender, Knoblauch and Keefe:

Requesting the secretary of transportation to reconsider his preliminary report on the basic rail system.

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. 3, and the memorial passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE JOINT MEMORIAL NO. 3, having received the constitutional majority, was declared passed.

SENATE MEMORIAL NO. 5, by Senators Woodall, Bailey, Matson, McDougall and Canfield:

Requesting the federal government to assume greater obligation for certain welfare programs.

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. 5, and the memorial passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Scott—1.

SENATE JOINT MEMORIAL NO. 5, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 9, by Senators Guess, Donohue and Huntley:

Requesting interim funding for Lower Granite Dam.

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. 9, and the memorial passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—48.

Voting nay: Senator Whetzel—1.

SENATE JOINT MEMORIAL NO. 9, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 13, by Committee on Constitution, Elections and Legislative Processes:

Providing for extraordinary sessions of the legislature.

The resolution was read the third time and placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 13, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—48.

Voting nay: Senator Whetzel—1.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 13, having received the constitutional two-thirds majority, was declared passed.

SENATE JOINT RESOLUTION NO. 14, by Senators Lewis, Wilson, Metcalf, Washington, Greive, Jolly, Guess, Huntley, Peterson (Lowell), Newschwander, Day, Odegaard, Stortini, McCutcheon, Francis and Twigg (by Legislative Council request):

Amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items.

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. 14, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—48.

Voting nay: Senator Whetzel—1.

SENATE JOINT RESOLUTION NO. 14, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 2, by Senators Atwood, Foley and Canfield (by Legislative Budget Committee request):

Providing for a study of a single distribution method for funds for the common schools.

The resolution was read the third time and placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 2, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Gardner—1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 2, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 3, by Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):

Authorizing a study of community college funds.

The resolution was read the third time and placed on final passage.

## ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 3, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Gardner—1.

SENATE CONCURRENT RESOLUTION NO. 3, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 4, by Senators Metcalf, Ridder and Elicker (by Joint Committee on Education request):

Providing for study on agency responsibility in educating handicapped children.

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. 4, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senators Clarke, Foley, Henry—3.

SENATE CONCURRENT RESOLUTION NO. 4, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 5, by Senators Atwood, Dore and Canfield:

Providing for review of community college program costs.

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. 5, and the resolution passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SENATE CONCURRENT RESOLUTION NO. 5, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 10, by Senators Ridder, Peterson (Ted), Francis, Scott, Whetzel, Matson, Washington, Murray, Metcalf, Walgren, Fleming, Odegaard, Huntley, Holman and Stortini:

Authorizing a study of day care services.

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. 10, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senators Clarke, Newschwander—2.

SENATE CONCURRENT RESOLUTION NO. 10, having received the constitutional majority, was declared passed.

#### MOTION

At 12:05 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, March 15, 1971.

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

## FOURTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, March 15, 1971.

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 Andersen, Dore, Durkan, Elicker, Gissberg, Huntley, Keefe, McDougall, Sandison and Twigg. On motion of Senator Atwood, Senators Andersen, Elicker, Huntley, McDougall and Twigg were excused. On motion of Senator Talley, Senator Durkan was excused. On motion of Senator Knoblauch, Senator Sandison was excused. On motion of Senator Connor, Senator Keefe was excused. On motion of Senator Mardesich, Senators Dore and Gissberg were excused.

The Color Guard, consisting of Pages Gary Scott, Color Bearer, and Kathy Raymond, presented the Colors. Doctor Charles Howard Perry, pastor of St. John's Episcopal Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we come to You at the opening of this session of the Senate of the state of Washington as those who seek and depend upon Your guidance and direction in our daily work. Grant that our seeking You may be more than a perfunctory act, that it may indeed represent our openness to Your spirit and our desire to walk in Your ways. Help us to work for justice and equal opportunity for all the citizens of this state. Bless with Your love and favor the members of the Senate. When the pressures of duty and the loyalty to partisan ways conflict within them, may they remember that they represent those who work for the welfare of all the people of this state. Give them compassion, O Lord, to hear the voice of those who have no one else to speak for them; give them courage that they may do the right regardless of personal cost; give them wisdom that they may discern the truth and do it. Hear our prayer, Our Father, for we offer it to You in the name and faith of Jesus Christ our Lord. Amen."

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

## REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 704, creating the department of mass transportation and prescribing its powers and duties (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Elicker, Foley, Huntley, Jolly, Lewis, McDougall, Mardesich, Murray, Scott, Stender, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE GOVERNOR

Office of the Governor, March 11, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I return herewith, without my approval, SENATE BILL NO. 311, entitled:

"An Act relating to housing authorities; and amending section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020."

This bill allows work performed by a housing authority in this state to provide land, buildings and appurtenances "for recreational or other community purposes" to be included, for purposes of the Housing Authorities Law, within the definition of the term "housing project." In order to be so included, the location of this type of project must be within a one mile radius of conditions which will probably require additional housing projects within the next ensuing ten-year period.

This bill significantly expands the permissible range of activities which may be undertaken by housing authorities. Under this bill, housing authorities could engage in many ventures which were wholly unrelated to the original purpose for which such bodies were created—the provision of safe and sanitary dwelling accommodations for persons of low income. I have concluded that conferring upon a housing authority the unfettered discretion to expend resources for purposes other than the meeting of low-income housing needs within its jurisdiction does not further the stated purpose of the housing authority law and, unless limited to instances in which a surplus of funds exists after such housing needs are being adequately met, opens the way to a further lessening of the availability of low cost accommodations at a time in this state's development when this type of housing is desperately needed.

I am fully aware of the unique fiscal posture of the Vancouver Housing Authority and I commend the manner in which it has provided housing for persons of limited means. I appreciate its desire to provide additional services for the people of that area and would support narrowly drafted legislation to permit housing authorities to engage in non-housing projects when the low-income housing needs of the area were being adequately met. I cannot justify, however, a blanket expansion of the powers of a housing authority by permitting its involvement in projects having no relationship to its primary function in the absence of safeguards designed to protect and give first priority to the legitimate needs of persons who would benefit from low-cost living facilities.

For these reasons, I have returned this bill without my approval and I urge the Legislature to give further consideration to this subject with the view of precisely defining under what circumstances a housing authority should be permitted to undertake projects unrelated to housing.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

#### MOTION

On motion of Senator Greive, the veto message from the Governor together with Senate Bill No. 311 were returned to the Committee on Rules and Joint Rules.

#### MESSAGES FROM THE HOUSE

March 12, 1971.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 12, 1971.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 12, 1971.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 11,  
HOUSE BILL NO. 13,  
HOUSE BILL NO. 14,  
ENGROSSED HOUSE BILL NO. 40,  
ENGROSSED HOUSE BILL NO. 44,  
ENGROSSED HOUSE BILL NO. 48,  
ENGROSSED HOUSE BILL NO. 52,  
HOUSE BILL NO. 53,  
ENGROSSED HOUSE BILL NO. 56,  
HOUSE BILL NO. 61,  
ENGROSSED HOUSE BILL NO. 67,  
ENGROSSED HOUSE BILL NO. 78,  
ENGROSSED HOUSE BILL NO. 82,  
ENGROSSED HOUSE BILL NO. 83,  
ENGROSSED HOUSE BILL NO. 86,  
HOUSE BILL NO. 88,  
HOUSE BILL NO. 106,  
ENGROSSED HOUSE BILL NO. 110,  
ENGROSSED HOUSE BILL NO. 112,  
ENGROSSED HOUSE BILL NO. 113,  
ENGROSSED HOUSE BILL NO. 123.

ENGROSSED HOUSE BILL NO. 133,  
ENGROSSED HOUSE BILL NO. 138,  
ENGROSSED HOUSE BILL NO. 140,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 151,  
ENGROSSED HOUSE BILL NO. 153,  
HOUSE BILL NO. 154,  
ENGROSSED HOUSE BILL NO. 160,  
ENGROSSED HOUSE BILL NO. 161,  
ENGROSSED HOUSE BILL NO. 163,  
ENGROSSED HOUSE BILL NO. 166,  
HOUSE BILL NO. 169,  
HOUSE BILL NO. 171,  
HOUSE BILL NO. 172,  
HOUSE BILL NO. 173,  
ENGROSSED HOUSE BILL NO. 175,  
SUBSTITUTE HOUSE BILL NO. 176,  
ENGROSSED HOUSE BILL NO. 181,  
HOUSE BILL NO. 185,  
ENGROSSED HOUSE BILL NO. 198,  
HOUSE BILL NO. 200,  
ENGROSSED HOUSE BILL NO. 204,  
ENGROSSED HOUSE BILL NO. 207,  
HOUSE BILL NO. 209,  
HOUSE BILL NO. 212,  
ENGROSSED HOUSE BILL NO. 213,  
HOUSE BILL NO. 215,  
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SUBSTITUTE HOUSE BILL NO. 247,  
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ENGROSSED HOUSE BILL NO. 277,  
ENGROSSED HOUSE BILL NO. 291,  
ENGROSSED HOUSE BILL NO. 300,  
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ENGROSSED HOUSE BILL NO. 376,  
ENGROSSED HOUSE BILL NO. 378,  
HOUSE BILL NO. 386,  
ENGROSSED HOUSE BILL NO. 394,  
HOUSE BILL NO. 397,  
ENGROSSED HOUSE BILL NO. 401,  
ENGROSSED HOUSE BILL NO. 408,  
ENGROSSED HOUSE BILL NO. 412,



ENGROSSED HOUSE BILL NO. 415,  
 ENGROSSED HOUSE BILL NO. 427,  
 ENGROSSED HOUSE BILL NO. 428,  
 HOUSE BILL NO. 429,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 433,  
 HOUSE BILL NO. 441,  
 ENGROSSED HOUSE BILL NO. 445,  
 ENGROSSED HOUSE BILL NO. 464,  
 ENGROSSED HOUSE BILL NO. 491,  
 ENGROSSED HOUSE BILL NO. 493,  
 HOUSE BILL NO. 497,  
 ENGROSSED HOUSE BILL NO. 501,  
 ENGROSSED HOUSE BILL NO. 538,  
 ENGROSSED HOUSE BILL NO. 543,  
 SUBSTITUTE HOUSE BILL NO. 562,  
 ENGROSSED HOUSE BILL NO. 572,  
 ENGROSSED HOUSE BILL NO. 578,  
 ENGROSSED HOUSE BILL NO. 586,  
 ENGROSSED HOUSE BILL NO. 597,  
 HOUSE BILL NO. 606,  
 ENGROSSED HOUSE BILL NO. 620,  
 HOUSE BILL NO. 621,  
 ENGROSSED HOUSE BILL NO. 636,  
 ENGROSSED HOUSE BILL NO. 657,  
 ENGROSSED HOUSE BILL NO. 660,  
 HOUSE BILL NO. 686,  
 HOUSE BILL NO. 728,  
 ENGROSSED HOUSE BILL NO. 734,  
 HOUSE BILL NO. 878,  
 ENGROSSED HOUSE BILL NO. 1031,  
 HOUSE JOINT MEMORIAL NO. 1,  
 HOUSE JOINT MEMORIAL NO. 3,  
 HOUSE JOINT MEMORIAL NO. 8,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 22,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 27,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 30,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 34,  
 HOUSE JOINT RESOLUTION NO. 35,  
 HOUSE CONCURRENT RESOLUTION NO. 8,  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 11,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Grieve, all bills introduced today were assigned to the committee as shown on the introduction and first reading calendar for today.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 19,  
 HOUSE CONCURRENT RESOLUTION NO. 26.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 856, by Senators Holman and Dore:

An Act relating to the supreme court; providing that the membership shall be reduced to seven judges; amending section 1, chapter 24, Laws of 1909 and RCW 2.04.070; amending section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911 and RCW 2.04.071; amending section 2, chapter 38, Laws of 1955 and RCW 2.04.100; amending section 5, page 322, Laws of 1890 as last amended by section 3, chapter 24, Laws of 1909 and RCW 2.04.120; amending section 4, chapter 24, Laws of 1909 and RCW 2.04.150; and amending section 5, chapter 24, Laws of 1909 and RCW 2.04.170.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 11, by Representatives Haussler, Bozarth, Ceccarelli, Hurley, Martinis and Marzano:

Establishing laws relating to the use, sale, control and possession of dangerous drugs.  
Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 13, by Representatives Hoggins, Brouillet and King (by Joint Committee on Education request):

Repealing obsolete sections dealing with negotiations by certificated community college employees in school districts.

Referred to Committee on Higher Education and Libraries.

HOUSE BILL NO. 14, by Representatives Hoggins, Brouillet, Knowles and Luders (by Joint Committee on Education request):

Deleting superfluous law relating to school holidays, including programs suitable thereto.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 40, by Representatives Newhouse, Moon, Berentson and Litchman (by Legislative Council request):

Removing mandatory directive to sell first class tide and shore lands and giving abutting owner preference to lease as well as buy.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 44, by Representative Benitz:

Providing for the cancellation of county warrants after one year.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 48, by Representatives Thompson, Newhouse, Berentson and King (by Legislative Council request):

Authorizing department of natural resources to condemn access to public lands suitable for recreation.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 52, by Representatives Van Dyk, Berentson, Haussler, Bauer and Hansey (by Legislative Council request):

Regulating the production and marketing of milk.

Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO. 53, by Representatives Cunningham, Berentson and Conner (by departmental request):

Providing changes in the regulation of classified drivers' licenses.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 56, by Representatives Beck, Wanamaker and Wolf (by departmental request):

Providing certain changes in the tax on motor vehicle fuel.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 61, by Representatives Brown, Ceccarelli and Goldsworthy:

Exempting from inheritance tax any annuity payments under the federal military retirement act.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 67, by Representatives Bottiger, Harris and Maxie (by Legislative Council request):

Regulating installment sales contracts.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 78, by Representatives Bledsoe, Bottiger, Goldsworthy and Litchman (by departmental request):

Providing for a new department of emergency services.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 82, by Representatives Moon, Newhouse, Bledsoe and Benitz (by Legislative Council request):

Removing the tax exemption on steam plants owned and operated by joint operating agencies and requiring existing facilities to negotiate amounts due.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 83, by Representatives Harris, Bottiger, Eikenberry and Amen (by Legislative Council request):

Authorizing traffic officers to issue arrest citations at scene of accident.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 88, by Representatives Wolf, Charette and Bledsoe (by Legislative Council request):

Providing that port districts of less than county size cannot be formed.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 106, by Representatives Zimmerman, Thompson, North, Hurley and Ceccarelli (by departmental request):

Protecting endangered species of fish and wildlife.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 110, by Representatives Cunningham, Bluechel, North and Barden:

Providing for refunds of erroneously paid property taxes.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 112, by Representatives Smythe, Moon and Bledsoe (by Legislative Council request):

Providing for the taxation and regulation of campers.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 113, by Representatives Thompson, Zimmerman and Spanton (by departmental request):

Prescribing powers of game protectors.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 123, by Representatives Zimmerman, Schumaker, Costanti, Thompson, Hurley, North, Kraabel and Ceccarelli:

Managing the taking of certain mammals.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 133, by Representatives North, Bottiger and Smythe (by Legislative Council request):

Providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 138, by Representatives Bauer, Wolf, Sawyer, Marsh and Luders:

Providing period to determine if benefits set-off against highway, street or road condemnation award actually inure to remaining land.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 140, by Representatives Shinpoch, Lynch, Grant, Maxie, Charnley, Bauer, Knowles, Litchman and Merrill:

Prohibiting cancellation of insurance because of sex and/or martial status.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, by Committee on Appropriations:

Enacting the operating budget.

Referred to Committee on Ways and Means--Appropriations.

ENGROSSED HOUSE BILL NO. 153, by Representatives Hansey, Bottiger and Copeland (by departmental request):

Exempting certain aircraft from state registration.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 154, by Representatives Julin, Eikenberry and Charette:

Relating to appeals from acts and proceedings of court commissioners.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 160, by Representatives Hansey, Bottiger, Copeland, Ceccarelli, Charnley, Douthwaite, May and Smith (by departmental request):

Requiring all state aircraft to be equipped with downed aircraft rescue transmitters.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 161, by Representatives Wolf, Bottiger, Conway and O'Brien (by Legislative Council request):

Providing for fire protection for the state capitol.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 163, by Representatives Cunningham, Conner, Hoggins, Bozarth, Kilbury and Merrill:

Requiring unloaded school buses to stop at railroad crossings.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 166, by Representatives Bottiger, Wolf, Gallagher, Backstrom, Barden, Brouillet, Ceccarelli, Hoggins and Litchman:

Requiring persons assessing real property to meet certain standards of training and experience and pass an examination.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 169, by Representatives Cunningham, Conner, Bozarth, Anderson, Gallagher, Beck, Hubbard, Douthwaite and Merrill (by Joint Committee on Highways request):

Extending powers to stop motor vehicles for driver's license check and vehicle inspection and test to hours of darkness.

Referred to Judiciary Committee.

HOUSE BILL NO. 171, by Representatives Zimmerman, Flanagan and Martinis:

Defining "wildlife agent".

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 172, by Representatives Flanagan, Kiskaddon and Haussler (by departmental request):

Restoring tax statutes based on passage of HJR 42 to previous status.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 173, by Representatives Wolf, Bottiger, Conway, O'Brien and Cunningham (by Legislative Council request):

Enabling endowment of the state capitol historical association.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 175, by Representatives Julin, Wojahn and Cunningham (by Judicial Council request):

Providing for grand juries and criminal investigations.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 176, by Committee on Judiciary:

Providing for payment of counsel and transcript fees in cases involving indigents.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 181, by Representatives Julin and Wojahn (by Judicial Council request):

Establishing when any statute of limitations is tolled.

Referred to Judiciary Committee.

HOUSE BILL NO. 185, by Representatives Julin and Wojahn (by Judicial Council request):

Adding additional members to the judicial council.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 198, by Representatives Copeland, Goldsworthy and Kopet (by Legislative Council request):

Providing that the legislative council and legislative budget committee may review all interim committee salaries.

Referred to Committee on Ways and Means—Appropriations.

HOUSE BILL NO. 200, by Representatives Thompson, Wolf, Martinis and Paris:

Authorizing the relocation of harbor lines in front of Kalama and Everett.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 204, by Representatives Martinis, Julin, Adams, Wanamaker, Williams, Hoggins, Luders and Mentor:

Providing for the removal of wood fiber debris from state tidal waters.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 207, by Representatives Merrill, North and Kopet (by Municipal Committee request):

Establishing regulations for publishing municipal ordinances.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 209, by Representatives Kopet, Backstrom, Chatalas and Hoggins (by Legislative Budget Committee request):

Fiscal agencies, technical change.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 212, by Representatives Thompson, Kopet, Hoggins and Mentor (by Legislative Budget Committee request):

Removing the forty percent limitation from marine fuel taxes used for capital improvements on marine recreation areas.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

ENGROSSED HOUSE BILL NO. 213, by Representatives Flanagan and Polk (by departmental request):

Pertaining to payment of inheritance taxes.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 215, by Representatives Smythe, Marsh, Hoggins, Zimmerman, Charette, Bauer, Backstrom, Chatalas, Curtis, Mentor and Moon (by Secretary of State request):

Providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 221, by Representatives Bluechel, Williams and Cunningham (by Secretary of State request):

Creating a secretary of state's revolving fund.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 222, by Representatives Bluechel, Spanton and Ross (by Secretary of State request):

Deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 223, by Representatives Bluechel, McCormick and Cunningham (by Secretary of State request):

Providing for certain changes in the powers, duties, and functions of the secretary of state.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 224, by Representatives Bluechel, Perry and Cunningham (by Secretary of State request):

Amending the copyright act.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 225, by Representatives Bluechel, McCormick and Conway (by Secretary of State request):

Deleting the requirement that notice to a corporation failing to pay the annual licenses fee shall be by certified mail.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 226, by Representatives Bluechel, Knowles and Kraabel (by Secretary of State request):

Revising uniform commercial code fees for search and copy requests.

Referred to Committee on Ways and Means—Appropriations.

HOUSE BILL NO. 227, by Representatives Bluechel, Spanton and Hoggins (by Secretary of State request):

Revising summons and complaint fees for nonresidents.

Referred to Committee on Ways and Means—Appropriations.

ENGROSSED HOUSE BILL NO. 229, by Representatives Copeland, Bottiger and Hurley (by departmental request):

Amending various items concerning public service companies.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 233, by Representatives Bottiger, Hubbard and Charette:  
Providing that a lawyer's code of ethics shall be adopted by the supreme court.  
Referred to Judiciary Committee.

HOUSE BILL NO. 237, by Representatives Schumaker, Savage, Zimmerman,  
Backstrom and Mentor:

Increasing the dollar amount of resources that can be sold through the small sale  
procedure of the department of natural resources.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 239, by Representatives Kopet, McDermott and  
Eikenberry:

Denying liability of persons withdrawing blood for intoxication test.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 242, by Representatives Shinpoch, Brown, Smythe and Grant (by  
Secretary of State request):

Providing elections officials instruction in use of voting devices and setting minimum  
pay for election officials.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 244, by Representatives Julin, Bottiger, Wolf and  
Curtis:

Making larceny by check constitute grand larceny.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 247, by Committee on Transportation:

Enacting a "Special Fuel Tax Act."

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 251, by Representatives Bottiger, Kiskaddon and  
Kirk:

Providing that a mailed tax notice can serve to give information required on tax  
payment receipt.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 252, by Representatives Thompson, Smythe and Martinis:

Providing for a filing fee for affidavits claiming exemptions from the real estate excise  
tax.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 253, by Representatives Bluechel, Perry and Conway  
(by Secretary of State request):

Providing for certain changes in the regulation of nonprofit corporations and  
associations.

Referred to Committee on Ways and Means—Appropriations.

ENGROSSED HOUSE BILL NO. 262, by Representatives Julin, Marsh and Harris:

Providing that bonds in civil cases shall not be required of banks and savings and loan  
associations.

Referred to Judiciary Committee.

HOUSE BILL NO. 270, by Representatives Barden, Spanton, Litchman and Kilbury  
(by Joint Committee on Governmental Cooperation request):

Exempting agency vendors of liquor from civil service.

Referred to Committee on State Government.

HOUSE BILL NO. 272, by Representatives Schumaker, Hubbard, Benitz, Backstrom, Charnley, Costanti, Haussler and Kilbury:

Allowing Indian tribes to participate in public cooperative ventures.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 273, by Representatives Hurley, Kiskaddon, Douthwaite and Charnley:

Requiring environmental impact reports on interstate and primary state highways.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE BILL NO. 274, by Representatives Shera, Merrill, Curtis and Litchman:

Authorizing banks and trust companies in United States corporations insuring or marketing real estate mortgages.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 277, by Representatives McDermott, Smythe, Zimmerman, Chatalas, Shera, Backstrom and Paris (by departmental request):

Providing certain changes in the law relating to community health programs.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 291, by Representatives Kuehnle, Litchman, Curtis, Hatfield, Bottiger, Gladder, Eikenberry, Pardini, Smith, Conway, Kopet, Morrison, Wolf, Shera, Gallagher, Bagnariol, Jastad, Adams, Rosellini, Ceccarelli, Randall, Anderson, Backstrom, Bauer, Hoggins, Knowles, Marzano and McCormick:

Relating to gambling.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 300, by Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request):

Relating to right of entry by department of natural resources employees.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 303, by Representatives Barden, Gallagher, Litchman, Polk, Randall, Backstrom and Hoggins (by Joint Committee on Governmental Cooperation request):

Providing for forest fire protection.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 306, by Representatives Barden, Mentor, Litchman, Randall and Wolf (by Joint Committee on Governmental Cooperation request):

Amending the powers of the board of tax appeals.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 307, by Representatives Flanagan, Kiskaddon, Brouillet and Luders:

Extending two mill shift for schools.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 308, by Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request):

Allowing racing commission to set license fees.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 310, by Representatives Farr and Chatalas:

Establishing a dental disciplinary board.



Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 311, by Representatives Gallagher, Kiskaddon, Brouillet, Haussler and Ross (by departmental request):

Modifying the suspended sentence procedure.

Referred to Judiciary Committee.

HOUSE BILL NO. 312, by Representatives Zimmerman, Conner, Wolf, Cunningham and King (by departmental request):

Changing the composition of the youth development and conservation committee and removing re-enrollment limitation for youths.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 313, by Representatives Gladder, Kopet, Eikenberry, Paris and Conway (by departmental request):

Providing for changes in the law relating to county hospitals and infirmaries.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 324, by Representatives Cunningham, Luders, Bluechel and Bauer (by departmental request):

Providing for the licensing of domestic waste treatment plant operators.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 337, by Representatives Kuehnle, Haussler, Pardini and Hatfield:

Requiring notice to owners of adjoining land when real property of an irrigation district is sold.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 349, by Representatives Julin, Bottiger and Shera:

Permitting investment of certain state funds in the obligations of the Asian development bank.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 350, by Representatives Wolf, Grant, Cunningham, Hoggins, Kilbury and Luders:

Authorizing increase in amount of insurance premiums school directors and higher educational institutions may pay for personnel.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 353, by Representatives Gilleland, Perry and Berentson:

Pertaining to refunds for non-highway use of fuel.

Referred to Committee on Transportation.

HOUSE BILL NO. 362, by Representatives Hubbard, Charette, Julin and Bottiger:

Providing that the rule against perpetuities applies to all trusts.

Referred to Judiciary Committee.

HOUSE BILL NO. 364, by Representatives Gladder, Copeland, Kopet and Grant (by Secretary of State request):

Implementing law relating to candidates' and voters' pamphlets.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 376, by Representatives Berentson, Beck, Martinis, Charnley and Kuehnle (by Joint Committee on Highways request):

Regulating motor vehicle noise.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 378, by Representatives Flanagan, Conner, Newhouse and Costanti (by departmental request):

Providing for a personal use salmon license.  
Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 386, by Representatives Merrill, Zimmerman, Wolf, Bledsoe and Charnley:

Designating a state rock and state gem.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 394, by Representatives Flanagan, Thompson, Julin and Martinis:

Providing for a state water resources management plan.  
Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 397, by Representatives Spanton, Beck, Cunningham and Bauer (by departmental request):

Authorizing highway district engineers to award small construction and maintenance contracts.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 401, by Representatives North, Thompson, Newhouse, Curtis, Gilleland and Smythe:

Requiring charge of fees for use of state parks, and stating legislative intent therefor.  
Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

ENGROSSED HOUSE BILL NO. 408, by Representatives Eikenberry, Bottiger, Julin, Barden, Pardini, Chatalas, Ross, Backstrom, Polk, Gilleland and Jones:

Revising the deed of trust statute.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 412, by Representatives Merrill and Smythe:

Requiring metal dealers to keep certain records.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 415, by Representatives Amen, Haussler and Bledsoe (by Joint Committee on Governmental Cooperation and departmental request):

Providing for the investigation and control of pesticide poisoning.  
Referred to Committee on Agriculture and Horticulture.

ENGROSSED HOUSE BILL NO. 427, by Representatives Brown, Grant, Smythe and Charnley (by Secretary of State request):

Reducing minimum vote needed for write-in nomination as party candidate.  
Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 428, by Representatives Bluechel, Perry and Conway (by departmental request):

Providing for the reorganization of the department of general administration.  
Referred to Committee on State Government.

HOUSE BILL NO. 429, by Representatives Bluechel, Perry and Conway (by departmental request):

Providing for the financing of services, facilities, equipment, material, goods and supplies for government and certain other entities.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, by Committee on Elections and Apportionment:

Implementing laws relating to elections.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 441, by Representatives Lynch, Perry, O'Brien, Ross, Hurley, Marsh, King, Juelling, Litchman, Bledsoe, Bottiger, Wojahn, Brouillet, Chatalas and Maxie (by Council on Higher Education request):

Enabling council on higher education to create state plan for contracting with certain private institutions of higher education.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 445, by Representatives Brouillet, Wolf, Zimmerman, Wojahn, McCormick, Shera, Knowles, Luders, Pardini, Litchman, Randall and Smythe (by Joint Committee on Education request):

Providing state-wide system of public and instructional television.

Referred to Committee on Ways and Means—Appropriations.

ENGROSSED HOUSE BILL NO. 464, by Representatives Hoggins, Brouillet, King, Jones, Cunningham, Knowles and Randall (by Joint Committee on Education request):

Implementing law relating to acquisition of state lands by school districts or institutions of higher education.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 491, by Representatives Hoggins, Cunningham, Shera, Brouillet, Marsh, Mentor, Sawyer, Backstrom and Bauer (by Superintendent of Public Instruction request):

Mandating state board of education to implement, by rule or regulation, vocational education programs in school districts.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 493, by Representatives Bledsoe, Brouillet, Wolf, O'Brien, Charette, Newhouse, Flanagan, Amen, Benitz, Bozarth, Mentor, Pardini and Schumaker:

Pertaining to assessment of leasehold estates.

Referred to Committee on Rules and Joint Rules.

HOUSE BILL NO. 497, by Representatives Hoggins, Marsh, Cunningham, Polk, Sawyer and Bauer (by Superintendent of Public Instruction request):

Providing for rescheduled or extended school years.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 501, by Representatives Kuehnle, Chatalas, Merrill, Juelling, Jones, Ceccarelli and Litchman:

Amending regulation of real estate brokers and salesmen.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 538, by Representatives Charette and Hubbard:

Providing for a change in the right of action against a contractor for injury or death.

Referred to Committee on Labor and Industrial Insurance.

ENGROSSED HOUSE BILL NO. 543, by Representatives Wolf, Smythe, Pardini, Lynch, Mentor, Juelling, Conway and Backstrom:

Changing motor vehicle excise tax collection and distribution provisions.

Referred to Committee on Ways and Means—Revenue and Taxation.

**SUBSTITUTE HOUSE BILL NO. 562**, by Committee on Labor and Employment Security:

Providing for fees for electrical inspections.

Referred to Committee on Rules and Joint Rules.

**ENGROSSED HOUSE BILL NO. 572**, by Representatives King, Lynch and Grant:

Providing that no factoring charges are allowed if credit cards are honored for payment of tuition and fees at state colleges and universities.

Referred to Committee on Rules and Joint Rules.

**ENGROSSED HOUSE BILL NO. 578**, by Representatives Pardini, Curtis and Wojahn:

Providing for the regulation of pre-need funeral contracts.

Referred to Committee on Commerce and Regulatory Agencies.

**ENGROSSED HOUSE BILL NO. 586**, by Representatives Bluechel, Bottiger, Haussler, Flanagan, North, Cunningham, Kopet, Eikenberry, Hoggins and Shera:

Providing for purchases by counties of open space land and development rights termed “conversation futures.”

Referred to Committee on Ways and Means—Revenue and Taxation.

**ENGROSSED HOUSE BILL NO. 597**, by Representatives Rosellini, Hatfield and Grant:

Adding an eighth member to the mobile home and recreation vehicle advisory board.

Referred to Committee on Rules and Joint Rules.

**HOUSE BILL NO. 606**, by Representatives Goldsworthy and Bottiger:

Defining lawful entrance on private property for the purposes of chapter 16.08 RCW.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 620**, by Representatives Flanagan, Bledsoe and Julin:

Reducing the number of justices of the peace in Grant county to one.

Referred to Judiciary Committee.

**HOUSE BILL NO. 621**, by Representatives Flanagan, Bledsoe, Haussler, Bozarth and Bauer:

Providing that interest earned from funds of the department of agriculture shall be credited to the department of agriculture.

Referred to Committee on Agriculture and Horticulture.

**ENGROSSED HOUSE BILL NO. 636**, by Representatives Haussler, Kilbury and Amen:

Modifying the law on pesticide application.

Referred to Committee on Agriculture and Horticulture.

**ENGROSSED HOUSE BILL NO. 657**, by Representatives Amen, Julin and Pardini:

Providing a presumption that enactment of a statute was not intended to affect any litigation pending on or before the effective date of such statute.

Referred to Judiciary Committee.

**ENGROSSED HOUSE BILL NO. 660**, by Representatives Sawyer, Bagnariol and Pardini:

Exempting credit cards from small loan regulations.

Referred to Committee on Rules and Joint Rules.

**HOUSE BILL NO. 686**, by Representatives Eikenberry, Knowles and Hubbard:

Changing the judgment creditors remedies in seeking to enforce a judgment on the judgment debtor.

Referred to Judiciary Committee.

HOUSE BILL NO. 728, by Representatives Thompson, Benitz and Haussler:  
Pertaining to taxable status of public property when transferred to private ownerships.  
Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 734, by Representatives Eikenberry, Knowles and Julin:

Regarding duties of the personal representative and appraiser in probate.

Referred to Judiciary Committee.

HOUSE BILL NO. 878, by Representatives Charette, Goldsworthy and Knowles:  
Making an appropriation for publication of the session laws.  
Referred to Committee on Ways and Means—Appropriations.

ENGROSSED HOUSE BILL NO. 1031, by Representatives Morrison, Perry and Bluechel (by Executive request):

Providing for retirement of certain public employees prior to age seventy under certain conditions and on certain dates.

Referred to Committee on Rules and Joint Rules.

HOUSE JOINT MEMORIAL NO. 1, by Representatives O'Brien, Copeland, Bledsoe, Amen, Anderson, Bagnariol, Benitz, Blair, Bluechel, Bradley, Brown, Ceccarelli, Charnley, Chatalas, Conway, Costanti, Cunningham, Curtis, Douthwaite, Eikenberry, Farr, Flanagan, Gilleland, Gladder, Hansey, Harris, Hatfield, Haussler, Hoggins, Hurley, Johnson, Jones, Julin, King, Kirk, Kiskaddon, Knowles, Kopet, Kraabel, Kuehnle, Litchman, Luders, Lynch, Lysen, Marsh, Marzano, McDermott, Merrill, Morrison, Newhouse, North, Pardini, Paris, Polk, Rabel, Randall, Rosellini, Ross, Savage, Schumaker, Shera, Shinpoch, Smith, Smythe, Van Dyk, Wanamaker, Williams, Wolf and Zimmerman (by Legislative Council request):

Providing for revenue sharing with the states.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE JOINT MEMORIAL NO. 3, by Representatives Hansey, May, Van Dyk, Costanti, Pardini, Berentson, North, Moon, Backstrom, Cunningham, Kilbury and Knowles:

Memorializing Congress to have reflectors placed on the sides of rail cars.

Referred to Committee on Transportation.

HOUSE JOINT MEMORIAL NO. 8, by Representatives Sawyer, Marsh, May, Johnson, Chatalas, Adams, Anderson, Backstrom, Bauer, Beck, Benitz, Bledsoe, Bluechel, Bottiger, Bozarth, Bradley, Brown, Ceccarelli, Charette, Charnley, Conway, Cunningham, Curtis, Eikenberry, Flanagan, Gallagher, Gilleland, Gladder, Goldsworthy, Grant, Hansey, Harris, Hatfield, Haussler, Hubbard, Hurley, Jastad, Jones, Julin, Kilbury, King, Kirk, Kiskaddon, Knowles, Kopet, Kuehnle, Litchman, Luders, Lynch, Martinis, Marzano, McCormick, McDermott, Merrill, Moon, North, O'Brien, Pardini, Paris, Polk, Randall, Rosellini, Ross, Schumaker, Shinpoch, Smith, Swayze, Wanamaker, Williams, Wojahn, Wolf, Zimmerman and Copeland:

Requesting the secretary of transportation to reconsider his preliminary report on the basic rail system.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE JOINT RESOLUTION NO. 22, by Representatives Bledsoe, Berentson and Wolf (by Legislative Council request):

Providing for a new pattern of succession to fill vacancy in governor's office.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE JOINT RESOLUTION NO. 27, by Representatives Goldsworthy, Backstrom and Kopet (by Secretary of State request):

Deleting need of publication by newspaper of laws submitted to people.  
Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE JOINT RESOLUTION NO. 30, by Representatives Smythe, Thompson, Bledsoe, Charette, Kilbury, Backstrom, Bauer, Blair, Ceccarelli, Chatalas, Conner, Costanti, Douthwaite, Gilleland, Grant, Jones, King, Kraabel, Litchman, Paris, Rabel, Rosellini and Savage (by executive request and Secretary of State request):

Amending the Constitution to allow eighteen-year-old vote and updates residency requirements.

Referred to Committee on Rules and Joint Rules.

ENGROSSED HOUSE JOINT RESOLUTION NO. 34, by Representatives Brown, Ceccarelli, Bluechel, Blair, Kiskaddon, Kopet, Cunningham, Mentor, Smith, Hoggins, Bledsoe, Chatalas and Kilbury (by executive request):

Providing for annual sessions of the legislature.

Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE JOINT RESOLUTION NO. 35, by Representatives Copeland, Litchman, Bledsoe, Bluechel, Backstrom, King, Shera, Smith, Curtis, Brown, North, Kraabel, Morrison, Farr, Cunningham, Kiskaddon, Lynch, Pardini, Lysen, Wojahn, Ceccarelli, Mentor, Kirk, Conway, Hoggins, Harris, Bauer, Chatalas, McCormick and Smythe (by executive request):

Providing for new method for amending the Constitution.

Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE CONCURRENT RESOLUTION NO. 8, by Representatives Lynch, King and Kiskaddon:

Authorizing a study to determine the feasibility of consolidating community college districts.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 11, by Representatives Flanagan, North, Backstrom and Moon:

Directing a study of public services.

Referred to Committee on Ways and Means—Revenue and Taxation.

## SECOND READING

SENATE BILL NO. 472, by Senators Guess, Greive and Stender:

Providing for industrial insurance premium system that encourages accident prevention progress.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Senate Bill No. 472 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. 472, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Excused: Senators Andersen Dore, Durkan, Elicker, Gissberg, Huntley, Keefe, McDougall, Sandison, Twigg-10.

SENATE BILL NO. 472, having received the 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. 408, by Senators Newschwander, Knoblauch and Talley:

Defining powers of committee on vendor's rates.

The bill was read the second time by sections.

On motion of Senator Newschwander, the rules were suspended, Senate Bill No. 408 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 Newschwander yield to a question? Who makes up this study?"

Senator Newschwander: "I think the original commission was appointed by the Governor and as I remember the chairman originally was a man from the University of Washington. I think labor and business and different professional people make up the committee. It has been about four years since I have been before the committee so I am not quite sure of the makeup. They are supposed to come in with a recommendation to the Governor on vendors' rates. This commission has been in at least six or eight years to my memory but we have not heard much from them in the last biennium, or two bienniums really."

Senator Day: "Their recommendations are confined strictly to vendors' rates?"

Senator Newschwander: "That is right."

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 408, and the bill passed the Senate by the following vote: Yeas, 39; excused, 10.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall-39.

Excused: Senators Andersen, Dore, Durkan, Elicker, Gissberg, Huntley, Keefe, McDougall, Sandison, Twigg-10.

SENATE BILL NO. 408, having received the constitutional 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 Atwood, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.

SENATE BILL NO. 231, by Senators Newschwander, Day and McDougall:

Expanding duties of dental hygienists.

### REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 231, expanding duties of dental hygienists (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3, after "exceed" and before "in" insert "*three times*"

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Newschwander, Woodall.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

Debate ensued.

The motion failed and the committee amendment was not adopted on a rising vote.

On motion of Senator Newschwander, the following amendment was adopted:

On page 1, section 1, line 17, after "Any" insert "*surgical*"

Senator Greive moved that Senate Bill No. 231 be held on the second reading calendar for Tuesday, March 16, 1971.

Debate ensued.

The motion carried, Senate Bill No. 231, as amended by Senator Newschwander, was ordered held on second reading for Tuesday, March 16, 1971.

SENATE BILL NO. 233, by Senators Newschwander, Day and McDougall:

Relating to the practice of dentistry.

The bill was read the second time by sections.

On motion of Senator Newschwander, the rules were suspended, Senate Bill No. 233 was advanced to the 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. 233, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Excused: Senators Dore, Durkan, Gissberg, Keefe, McDougall, Twigg—6.

SENATE BILL NO. 233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:35 p.m., on motion of Senator Greive, 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 Andersen, Senate Bill No. 431 was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.

On motion of Senator Washington, the rules were suspended and the names of Senators Wilson and Murray were added as additional sponsors to Senate Bill No. 485.

On motion of Senator Atwood, Senate Bill No. 485 was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.

On motion of Senator Mardesich, Senate Bill No. 161 was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.



## SECOND READING

SENATE BILL NO. 71, by Senators Holman, Foley and Newschwander (by departmental request):

Enacting the Model Escheat of Postal Savings System Accounts Act.

## MOTION

On motion of Senator Newschwander, Senator Lewis was excused.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 71, 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. 71, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Dore, Durkan, Gissberg, Keefe, McDougall, Twigg—6.

SENATE BILL NO. 71, having received the constitutional 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 Metcalf, Senate Bill No. 317 was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.

SENATE BILL NO. 218, by Senators Twigg and Guess:

Authorizing the issuance of revenue warrants under the municipal airports act of 1945.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 218 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 Canfield: "Will Senator Guess yield to a question? Senator, would you please define what is a revenue warrant?"

Senator Guess: "A revenue warrant is a warrant which is given to the bank stating that the local airport board will redeem the money at a schedule that is agreed to by the bank. It saves them from going through all the problems of having to issue revenue bonds. It is a short cut in procedure and one more economical of operation."

Senator Canfield: "I can understand it is a short cut but is it a good cut? Does this not take the place of bond financing? Could not this be extended to a point where there would not be any bond issues at all?"

Senator Guess: "Senator Canfield, when they want a small amount of money, they can get it locally. If they want a large amount of money, they have to go into the national market."

Debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Guess yield to a question? Senator, would the provisions of law requiring bids in the issuance of revenue bonds apply to revenue warrants so the interest might be other than negotiable? I am saying, would interest be negotiable?"

Senator Guess: "Yes, sir."

Senator Mardesich: "Rather than requiring a call for bid?"

Senator Guess: "This is correct. And it will be within the state statute, sir."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 218, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Whetzel, Woodall—29.

Voting nay: Senators Atwood, Canfield, Clarke, Fleming, Gardner, Huntley, Lewis, Mardesich, Matson, Murray, Newschwander, Scott, Washington and Wilson—14.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Gissberg, Keefe, McDougall, Twigg—5.

SENATE 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.

SENATE BILL NO. 128, by Senators Ridder, Peterson (Ted) and Washington:  
Providing financial aid for the adoption of certain children.

## MOTION

On motion of Senator Ridder, Substitute Senate Bill No. 128 was substituted for Senate Bill No. 128, and the substitute bill was read the second time in full.

Senator Andersen moved adoption of the following amendment by Senators Andersen and Ridder:

On page 2, section 4, line 20 strike "The department shall have approved the adoption and there" and insert "There"

## POINT OF INQUIRY

Senator Andersen: "Will Senator Ridder yield to a question? Senator, with the amendment that has been made, is it the intention of this bill that the department be not involved in the adoption procedure, that is, be not involved in approving or not approving adoption as a general principle except for the very specific duties that have been delegated to them in the case of these unfortunate children by this bill?"

Senator Ridder: "There is no intent whatsoever that the department of social and health services get into the adoption field. They have no desire to okay these. We took out that one section that specifically said 'approval of these cases'. There is no intent to do this."

## MOTIONS

On motion of Senator Day, Engrossed Substitute Senate Bill No. 128, as amended by Senators Andersen and Ridder, was ordered to hold its place on the second reading calendar for Tuesday, March 16, 1971.

At 2:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, March 16, 1971.

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

## FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, March 16, 1971.

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 Foley. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Geoff Lewis, Color Bearer, and Sara Buckridge, presented the Colors. Doctor Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"Our Father, we know that no one can keep us a free people but ourselves; no one can defend the institution of government by the people except those in whose hands the power to govern has been given by the people. As You have responded to those who sought You in the past, we ask You to respond now to the members of this Senate who seek You in prayer, that they may be delivered from all that hinders the doing of Your will and the maintenance of our way of life. We thank You for Your blessings upon us as a state, and ask Your guidance upon these Senators that what they do in this session may insure the health and well being of all the people who have made them their governors. As it is an awesome task to pass laws which all must obey, keep them humble in their service to You and the highest good they know that the laws they service to You and the highest good they know that the laws they make will uphold the freedom of all our people and lead us into the ways of peace, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 9, 1971.

SENATE BILL NO. 109, providing for modifiable basic school building plans (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 109 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Murray, Newschwander, Odegaard, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 16, 1971.

SENATE BILL NO. 187, making an appropriation to Olympic Center (reported by Committee on Public Institutions):

MAJORITY recommendation: That Senate Bill No. 187 do pass and be rereferred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Odegaard, Chairman; Guess, Knoblauch, Sandison, Stortini, Talley, Twigg.

## MOTION

On motion of Senator Odegaard, Senate Bill No. 187 was referred to the Committee on Ways and Means—Appropriations.

March 16, 1971.

SENATE BILL NO. 202, making an appropriation for the operation of the state hospital at Sedro Woolley (reported by Committee on Public Institutions):

MAJORITY recommendation: That Senate Bill No. 202 do pass and be rereferred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Odegaard, Chairman; Guess, Knoblauch, Sandison, Stortini, Talley, Twigg.

### MOTION

On motion of Senator Odegaard, Senate Bill No. 202 was referred to the Committee on Ways and Means—Appropriations.

March 16, 1971.

SENATE BILL NO. 299, regulating motor vehicles on highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Elicker, Guess, Herr, Huntley, McDougall, Matson, Murray, Sandison, Scott, Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971.

SENATE BILL NO. 360, establishing a highway classification board and providing for long range priority planning for all streets, roads and highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Connor, Guess, Herr, Huntley, McDougall, Matson, Murray, Peterson (Lowell), Sandison, Scott, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 15, 1971.

SENATE BILL NO. 419, authorizing tuition supplement program for resident students attending private institutions of higher education (reported by Committee on Rules and Joint Rules):

Recommends that the bill be referred to Ways and Means—Appropriations.

Signed by: Senators Cherberg, Chairman; Andersen, Atwood, Bailey, Foley, Guess, Henry, Herr, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall.

### MOTION

On motion of Senator Atwood, Senate Bill No. 419 was referred to the Committee on Ways and Means—Appropriations.

March 16, 1971.

SENATE BILL NO. 454, requiring that all prescription medicine be labeled by name and dosage (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971.

SENATE BILL NO. 567, providing partial state support for the Puget Island-Westport ferry (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Elicker, Herr, Huntley, McDougall, Matson, Murray, Scott, Stender, Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971.

SENATE BILL NO. 629, providing for the emergency protection and restoration of highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Elicker, Guess, Herr, Huntley, McDougall, Matson, Murray, Sandison, Scott, Stender, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 10, 1971.

SENATE BILL NO. 720, authorizing special license plates for vehicles of historic value (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Elicker, Guess, Herr, Huntley, McDougall, Matson, Murray, Scott, Talley, Walgren, Whetzel.  
Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

March 15, 1971.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 38,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 69,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 314,  
ENGROSSED HOUSE BILL NO. 351,  
ENGROSSED HOUSE BILL NO. 356,  
ENGROSSED HOUSE BILL NO. 372,  
ENGROSSED HOUSE BILL NO. 430,  
SUBSTITUTE HOUSE BILL NO. 545,  
HOUSE BILL NO. 559,  
ENGROSSED HOUSE BILL NO. 645,  
ENGROSSED HOUSE JOINT RESOLUTION NO. 28,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 857, by Senator Wilson:

An Act relating to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law; amending section 10, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.100; amending section 15, chapter 1, Laws of 1961 as amended by section 13, chapter 108, Laws of 1967 ex. sess. and RCW 41.06.150; and declaring an emergency.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SENATE JOINT RESOLUTION NO. 36, by Senators Knoblauch, Holman, Washington, Walgren, Francis and Stortini (by Secretary of State request):

Ratifying the eighteen-year-old voting rights amendment to the federal Constitution.

Referred to Committee on Constitution, Elections and Legislative Processes.

## MOTION

On motion of Senator Knoblauch, the rules were suspended and additional sponsors were added to Senate Joint Resolution No. 36.

ENGROSSED HOUSE BILL NO. 38, by Representatives Mentor, Wanamaker and Randall:

Extending and expanding real property tax exemption to sectarian organizations.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, by Committee on Revenue and Taxation:

Providing for the taxation of mobile homes.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 314, by Committee on Social and Health Services:

Creating lien against time loss compensation to recipient of public assistance.

Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 351, by Representatives Julin, Charette, Hubbard and Backstrom:

Granting immunity to medical professionals bringing charges against fellow professionals.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 356, by Representatives Paris, Thompson and Anderson:

Making an appropriation for the Puget Island-Westport ferry.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 372, by Representatives Brown, Copeland, Conner, Grant, Blair and Chatalas (by Secretary of State request):

Revising election laws relating to registration records.  
Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 430, by Representatives Newhouse, Wojahn, Bottiger, Smythe, Chatalas, Backstrom and Haussler (by departmental request):

Providing for participation under the Economic Opportunity Act of state and local government.  
Referred to Committee on Cities, Towns and Counties.

SUBSTITUTE HOUSE BILL NO. 545, by Committee on State Government:

Providing for management surveys by legislative budget committee.  
Referred to Committee on State Government.

HOUSE BILL NO. 559, by Representatives Copeland, Charnley and Costanti:

Putting all state institutions of higher education on quarter basis.  
Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 645, by Representatives Cunningham, Conner and Amen:

Providing for distribution of moneys from penalty assessments to traffic safety education account.  
Referred to Committee on Transportation.

ENGROSSED HOUSE JOINT RESOLUTION NO. 28, by Representatives Kopet, Backstrom and Goldsworthy (by Secretary of State request):

Deleting necessity to publicize by newspaper notice of constitutional amendments.  
Referred to Committee on Constitution, Elections and Legislative Processes.

#### MOTION

On motion of Senator Henry, Senate Bill No. 635 was ordered placed on the second reading calendar for Monday, March 22, 1971.

#### SECOND READING

SENATE BILL NO. 231, by Senators Newschwander, Day and McDougall:  
Expanding duties of dental hygienists.

The Senate resumed consideration of Senate Bill No. 231 on second reading.

On motion of Senator Greive, the following amendment was adopted:

On page 2, line 3, after "exceed" and before "in" insert "twice"

On motion of Senator Newschwander, the rules were suspended, Engrossed Senate Bill No. 231 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. 231, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess,

Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzl, Wilson, Woodall—48.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 231, having received the 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. 431, by Senators Andersen, Walgren, Odegaard and Newschwander (by departmental request):

Revising parole and minimum terms.

#### MOTION

On motion of Senator Gissberg, Senate Bill No. 431 was referred to the Judiciary Committee.

#### SECOND READING

SENATE BILL NO. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

#### REPORT OF STANDING COMMITTEE

March 3, 1971.

SENATE BILL NO. 485, enacting an open public meetings act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 2, line 21, after "state agency" and before "or" insert "other than courts"

On page 4, section 9, line 28, after "or employee" and before "to" strike "or" and insert a comma

On page 4, section 9, line 30, after "employee" strike "unless such officer or employee" and insert "or to consider the revocation or suspension of any license unless such officer, employee or licensee or the attorney for such officer, employee or licensee"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

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

#### MOTION

On motion of Senator Gissberg, Senate Bill No. 485 as amended, was ordered placed on the second reading calendar immediately following consideration of Senate Bill No. 226.

SENATE BILL NO. 161, by Senators Talley, Mardesich and Lewis:

Authorizing relocation of harbor lines in front of Kalama and Everett.

The bill was read the second time by sections.

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

On page 1, section 1, line 22, after "county" and before the period insert ", except that the harbor area in front of the city of Everett shall not be extended northerly of any portion of the east line of Government channel"

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 161 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 Whetzel: "Would Senator Talley yield? Senator, there is nothing in this bill that says when the commission on harbor lines shall reestablish such harbor lines. Do you have any understanding as to when the commission will accomplish the changes that are set forth in this section?"

Senator Talley: "Yes, I understand they have agreed to it and they will act on it as soon as possible."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 161, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 317, by Senators Metcalf, Dore, and Peterson (Ted):

Denying state reimbursement to school districts for certain compulsory bussing.

## REPORT OF STANDING COMMITTEE

March 15, 1971.

SENATE BILL NO. 317, denying state reimbursement to school districts for certain compulsory bussing (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 11, after "for the" and before "of any" strike "bussing" and insert "transportation"

On page 1, section 1, line 13, after "to such" and before "by the" strike "bussing" and insert "transportation"

Signed by: Senators Francis, Chairman; McCutcheon, Metcalf, Newschwander, Odegaard, Peterson (Ted), Stender.

The bill was read the second time by sections.

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

Senator Metcalf moved adoption of the following amendment:

On page 1, section 1, line 12, after "outside the" strike "geographical area" and insert "neighborhood", and on line 15 after "within the" strike "geographical area" and insert "neighborhood"

Senators Durkan, Greive and Sandison 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 Foley who had previously been excused.

On motion of Senator Durkan, the Senate proceeded under the Call of the Senate.

## POINT OF INQUIRY

Senator Ridder: "Would Senator Metcalf define neighborhood?"

Senator Metcalf: "The neighborhood—we read it in the dictionary—it is a specific area



in which neighbors reside and they have a community of interests. That is the definition from the dictionary."

#### POINT OF INQUIRY

Senator Whetzel: "Will Senator Metcalf yield? Senator, in trying to understand the thrust of this amendment, would any funds be used for transporting any student outside his neighborhood if there is written objection by the parents or guardian?"

"I wonder how this would apply in the case of handicapped children? We have a bill coming up on the calendar, Senate Bill No. 66, of which you are one of the sponsors. If that bill passes, where education is mandated for handicapped children, and if the parent or the guardian objected to transporting, then the school district would have to provide appropriate facilities in the neighborhood for handicapped children?"

Senator Metcalf: "Specifically, Senator Whetzel, Senate Bill No. 66 on the handicapped children came from my subcommittee. The problem there is not the parents objecting to transportation. They want that; they want this opportunity and they want the school district to, if they do not have a program, be able to transport their student to a place where it is available. I do not see any conflict there at all. Senate Bill No. 66 is dealing with a problem where these children have no education at all now and we are opening it up for them. I just do not think we would run into that problem."

Further debate ensued.

#### POINT OF INQUIRY

Senator Scott: "Senator Metcalf, I wonder what effect this bill in total and amendment in particular is going to have on the case of a remote and necessary school district where an individual is transferred perhaps twenty or thirty miles a day beyond what might be interpreted his neighborhood and yet this action is necessary on a daily basis?"

Senator Metcalf: "The bill provides and states that it only applies where there is a school within his neighborhood, so the bill satisfies the problem that you raised."

#### MOTION

Senator Ridder moved that the amendment by Senator Metcalf be laid upon the table.

Senator Metcalf demanded a roll call and the demand was sustained by Senators Dore, Woodall, Canfield, McDougall, Matson, Odegaard, Cooney, Twigg, Murray and Elicker.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Ridder failed by the following vote: Yeas, 14; nays, 34; excused, 1.

Voting yea: Senators Durkan, Elicker, Fleming, Gissberg, Herr, McCutcheon, Mardesich, Murray, Peterson (Lowell), Ridder, Talley, Walgren, Washington, Wilson—14.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Stender, Stortini, Twigg, Whetzel, Woodall—34.

Excused: Senator Foley—1.

The amendment by Senator Metcalf was adopted on a rising vote.

Senator Ridder moved adoption of the following amendment:

On page 1, section 1, line 17, after "in" and before the period insert "and that classroom space and facilities are available without overcrowding in that school according to standards set by the state board of education"

Debate ensued.

On motion of Senator Durkan, the following amendment to the amendment by Senator Ridder was adopted:

On line 5 of the Ridder Amendment, strike "standards" and insert "rules"

The amendment by Senator Ridder as amended by Senator Durkan was adopted.

Senator Fleming moved adoption of the following amendment:

On page 1, section 1, line 17, after "in" add the following:

"PROVIDED, That nothing in this act shall apply to cases where the local school board takes action to meet state or federal standards of racial integration."

## POINT OF ORDER

Senator Woodall: "The amendment by Senator Fleming says, following the word 'in' in section 1, add certain language. The prior amendments of Senators Metcalf and Ridder have already added language at that particular portion."

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Woodall; the President finds that the proviso or amendment proposed by Senator Fleming if adopted would be placed after the Senator Ridder amendment which is now a part of the bill. In other words, after the word 'education'. Therefore the amendment as proposed by Senator Fleming is in order and the point of order by Senator Woodall is not well taken."

Debate ensued.

## POINT OF INQUIRY

Senator Murray: "Will Senator Dore yield to a question? Senator, as one of the sponsors of Senate Bill No. 317, is it your intention to stop, through this measure, the action currently being planned by the Seattle school board to have integration within the Seattle school system?"

Senator Dore: "I do not think I can go beyond the language of the bill. This bill merely says that in those cases where the parent files a written objection as to the mandatory transporting of their child from one school to another, as the plan is in Seattle at the present time, then state money will not be available to reimburse for that purpose. This would similarly only apply if we appropriate money for that purpose.

"As yet we have not done this so it may have no impact whatsoever. In answer to your question, I assume by passage of this bill we would say that the state will not contribute to finance mandatory busing and if the Seattle school board or any other school board wants to do it, they will have to look for local funds.

"That is the best I can answer you. Of course, it has no impact in itself because right now there is no money available or appropriated for mandatory busing so actually we are just passing an act which may or may not have effect in the event we do appropriate money for that purpose."

Further debate ensued.

Senators Bailey, Greive and Atwood demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fleming.

Senator Dore demanded a roll call and the demand was sustained by Senators Elicker, Connor, Bailey, Canfield, Cooney, Day, Woodall, Peterson (Ted), Greive and Herr.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Fleming was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Connor, Durkan, Elicker, Fleming, Gardner, Greive, Henry, Huntley, Jolly, Keefe, McCutcheon, Murray, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Washington, Whetzel, Wilson—22.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Francis, Gissberg, Guess, Herr, Holman, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Stender, Talley, Twigg, Walgren, Woodall—26.

Excused: Senator Foley—1.

## MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 1:15 p.m., on motion of Senator Greive, the Senate recessed until 2:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

## MOTIONS

On motion of Senator McDougall, Senator Murray was excused.

On motion of Senator Greive, Senate Bill No. 317 as amended, was ordered placed at the beginning of the second reading calendar for Wednesday, March 17, 1971.

## SECOND READING

SENATE BILL NO. 67, by Senators Bailey, Lewis and Walgren:  
Revising the Washington public employees' retirement system.

## MOTION

Senator Durkan moved that Senate Bill No. 67 be referred to the Committee on Ways and Means.

Debate ensued.

## POINT OF INQUIRY

Senator Lewis: "Will Senator Durkan yield to a question? Senator, is it your specific plan to amend the bill to include the solving of the problem you just described on Senate Bill No. 67?"

Senator Durkan: "No, it is not, Senator Lewis. But one of the amendments that is proposed on Senate Bill No. 67 takes out the purpose of the bill and that was to permit the state employees to update within their system to give the post-retirement to those people who are already retired and if the House's version of using the interest is accepted, it means obviously that we cannot—that the bill is of no effect. But if we in the Senate in our wisdom should change, Senator, then we should be able to do something about it."

The motion carried and Senate Bill No. 67 was referred to the Committee on Ways and Means.

## MOTION

On motion of Senator Durkan, Senate Bill No. 66 was ordered held at the beginning of the second reading calendar for Wednesday, March 17, 1971.

SENATE BILL NO. 526, by Senators Greive, Stender and Cooney:

Providing that sewer or water districts may provide term life insurance for employees or commissioners.

The bill was read the second time by sections.

On motion of Senator Stender, the rules were suspended, Senate Bill No. 526 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. 526, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Conner, Cooney, Donohue, Dore, Elicker, Fleming, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Washington, Whetzel, Woodall—35.

Voting nay: Senators Clarke, Day, Durkan, Gissberg, Guess, Huntley, Lewis, Matson, Newschwander, Walgren, Wilson—11.

Absent or not voting: Senator Twigg—1.

Excused: Senators Foley, Murray—2.

SENATE BILL NO. 526, having received the 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, at the proper time move that the Senate reconsider the vote by which Senate Bill No. 526 passed the Senate.

SUBSTITUTE SENATE BILL NO. 128, by Senators Ridder, Peterson (Ted) and Washington:

Providing financial aid for the adoption of certain children.

The Senate resumed consideration of Substitute Senate Bill No. 128 on second reading.

On motion of Senator Gardner, the following amendment was adopted:

On page 2, section 5, beginning on line 30, after "department" strike all the matter down to and including "determine" on line 32, and insert "shall require the adopting parents to submit a report once a year for the first three years following the date of adoption as to such matters relating to the child as the department may determine"

#### MOTION

Senator Mardesich moved that Substitute Senate Bill No. 128 as amended be referred to the Committee on Ways and Means.

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Ridder yield? Senator, I am very much in favor of this bill but what would be the cost, not of the people that you are taking care of from now on, but the people that have already been adopted that may now go back to the welfare rolls and claim to have a subsidy or whatever you want to call it? What would that cost be?"

Senator Ridder: "We did not see this as happening. The way we drafted the bill was that this is from this point on. There was no intent to pick up prior cases."

The President declared the question before the Senate to be the motion by Senator Mardesich that Substitute Senate Bill No. 128 be referred to the Committee on Ways and Means.

The motion lost.

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 128 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 Ridder yield? Senator, you made a statement just now that says that the department is going to pick up the cost of schooling of these youngsters. Do you mean that they are now going to pay the ad valorem tax on property for the purpose of school bond issues?"

Senator Ridder: "The department of social and health services certainly would not pay an ad valorem tax."

Senator Guess: "You said that they would pay the schooling costs. What schooling costs are you talking about?"

Senator Ridder: "In a case where a youngster depended on, we will say, going to the school for the deaf or school for the blind or some special education program such as that. The ones that we have are in special schools in Seattle and must be transported and they are paid now for transportation over to Green Lake to the special education unit over there. This takes a little special cost to get them to that school."

Senator Guess: "Senator Ridder, then you will go on the record as saying that this is not to pay for the school levies that a parent may be subject to because they have a child in . . ."

Senator Ridder: "No, no absolutely not. This is merely to take care of that necessary education."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 128, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall-46.

Absent or not voting: Senator Whetzel-1.

Excused: Senators Foley, Murray-2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 128, having received the 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. 226, by Senators Woodall, Day, Matson and Twigg:

Requiring the state to pay certain costs incurred in the condemnation of real estate for highway purposes.

## MOTIONS

On motion of Senator Gissberg, Substitute Senate Bill No. 226 was substituted for Senate Bill No. 226, and the substitute bill was placed on second reading and read the second time in full.

Senator Washington moved that Substitute Senate Bill No. 226 be held on the second reading calendar for Wednesday, March 17, 1971.

Debate ensued.

## POINT OF INQUIRY

Senator Woodall: "Will Senator Washington yield to a question? What is the purpose of holding this bill over?"

Senator Washington: "I would like to check on the possibility of an amendment and I would check with you or anyone else after the session is over."

## POINT OF INQUIRY

Senator Gissberg: "Will Senator Washington yield? Senator, do you have any thought about preparing amendments which go beyond, not the legal scope, but the intent of this bill which simply has to do with calling a special jury for state condemnation cases?"

Senator Washington: "No, I have no basic large amendments to put on the bill. It came up faster than I thought and I did have several questions in mind and very possibly after looking at them, I would not have any amendments for tomorrow."

The motion carried. Substitute Senate Bill No. 226 was ordered placed on the second reading calendar for Wednesday, March 17, 1971.

## MOTIONS

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Wednesday, March 17, 1971.

On motion of Senator McDougall, Senator Whetzel was excused.

## SECOND READING

SENATE BILL NO. 851, by Senator Day:

Empowering townships to make excess property tax levies.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 851 was advanced to third reading, the second 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. 851, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Bailey, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—42.

Voting nay: Senators Atwood, Canfield—2.

Absent or not voting: Senators Henry, Huntley—2.

Excused: Senators Foley, Murray, Whetzel—3.

SENATE BILL NO. 851, having received the constitutional 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 2:55 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, March 17, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, March 17, 1971.

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 Greive, McCutcheon and Whetzel. On motion of Senator Bailey, Senators Greive and McCutcheon were excused. On motion of Senator McDougall, Senator Whetzel was excused.

The Color Guard, consisting of Pages Randal Lewis, Color Bearer, and Jill Clausen, presented the Colors. Doctor Henry S. Rahn, pastor of First Baptist Church of Olympia, offered prayer as follows:

"Eternal God our Father, make Thyself known both in the stillness and in the flurry of life. Come to us even now as we come to Thee. Thou hast made us one in our need of Thee, one in our yearning for strength beyond self, one in our quest for peace that passes all understanding, unite us now in our service for Thee. Grant us the courage to face life as it is, the strength and wisdom to change it according to Thy will, through Christ our Lord. Amen."

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

## MESSAGES FROM THE HOUSE

March 16, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 16, 1971.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 19, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 16, 1971.

Mr. President: The House has passed:  
HOUSE BILL NO. 218,  
ENGROSSED HOUSE BILL NO. 248,  
ENGROSSED HOUSE BILL NO. 540,  
HOUSE BILL NO. 604,  
SUBSTITUTE HOUSE BILL NO. 654,  
HOUSE BILL NO. 696,  
ENGROSSED HOUSE BILL NO. 718,  
HOUSE JOINT MEMORIAL NO. 14,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 16, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 380 with the following amendments:

On page 1, line 1 of the title, after "insurance:" and before "adding" insert "amending section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260; adding new sections to chapter 79, Laws of 1947 and a new chapter to Title 48 RCW;"

On page 1, following section 2, add new sections to read as follows:

"NEW SECTION. Sec. 3. As used in this 1971 act, unless the context otherwise requires:

(1) "Affiliate" of, or a person "affiliated" with, a specified person, shall mean a person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) "Control", including "controlling", "controlled by", and "under common control with", shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is solely the result of an official position with or a corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by showing that control does not exist in fact.

(3) "Insurance holding company system" shall consist of two or more affiliated persons, one or more of which is an insurer.

(4) "Insurer" shall have the same meaning given it in RCW 48.01.050.

(5) "Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert.

(6) "Subsidiary" of a specified person shall mean an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

(7) "Commissioner" shall mean the insurance commissioner.

**NEW SECTION. Sec. 4.** No person other than the issuer or an affiliate of the issuer shall make a tender offer for a request or invitation for tenders of, or agreement to exchange securities for or otherwise acquire, any voting security or any security convertible into a voting security of a domestic insurer or of any other person controlling a domestic insurer if, as a result of the consummation thereof, the person making such tender offer, request or agreement, would directly or indirectly, acquire actual control of such insurer, unless:

(1) Such person has filed with the commissioner a statement containing such of the following information, and such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate in the public interest or for the protection of policyholders:

(a) The background and identity of all persons by whom or on whose behalf the purchases or the exchange, merger, or other acquisition of control are to be effected;

(b) The source and amount of the funds or other consideration used or to be used in making the purchases or in effecting the exchange, merger or other acquisition of control, and, if any part of such funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the purchases or effecting the exchange, merger, or other acquisition of control, a description of the transaction and the names of the parties thereto;

(c) Any plans or proposals which such persons may have to liquidate such insurer, to sell its assets or merge it with any person, or to make any other major change in its business or corporate structure or management;

(d) The amount of each class of voting securities, or securities which may be converted into voting securities of such insurer or such controlling person which are beneficially owned, and the amount of each class of voting securities or securities which may be converted into voting securities of such insurer or such controlling person concerning which there is a right to acquire beneficial ownership, by each such person and by each such affiliate;

(e) Information as to any contracts, arrangements or understandings with any person with respect to any securities of such insurer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into, and giving the details thereof; and

(f) A copy of any such agreement, and any amendments thereto, to exchange or otherwise acquire securities or to merge with or otherwise to acquire control of such insurer; and

(2) The time for disapproval, as provided in section 7 of this 1971 amendatory act, including any agreed extensions, has elapsed or approval has been given by the commissioner.

**NEW SECTION. Sec. 5.** All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such voting securities for actual control of a domestic insurer made by or on behalf of any such person shall contain such of the information specified in section 4 of this 1971 amendatory act as the commissioner may prescribe, and shall be filed with the commissioner at least ten days prior to the time such material is first published or sent or given to security holders. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain such information as the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of policyholders and stockholders, and shall be filed with the commissioner at least ten days prior to the time copies of such material are first published or sent or given to security holders.

**NEW SECTION. Sec. 6.** If the person required to file the statement referred to in section 4 of this 1971 amendatory act is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by section 4 of this 1971 amendatory act shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group and each person who controls such partner or member. If the person required to file the statement referred to in section 4



of this 1971 amendatory act is a corporation, the commissioner may require that the information called for by section 4 of this 1971 amendatory act shall be given with respect to such corporation and each officer and director of such corporation and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding securities of such corporation.

**NEW SECTION. Sec. 7. (1)** In the absence of approval by the commissioner the purchases, exchanges, mergers or other acquisitions of control referred to in section 4 of this 1971 amendatory act may be made unless the commissioner, within twenty days after the statement required by section 4 of this 1971 amendatory act has been filed with him, disapproves the purchases, exchanges, mergers or other acquisitions of control. The commissioner may disapprove any such transaction within twenty days after such filing if he finds that:

(a) After the change of control the domestic insurer could not satisfy the requirements for the issuance of a certificate of authority according to requirements in force at the time of the issuance of its last certificate of authority to do the insurance business which it intends to transact in this state;

(b) The effect of the purchases, exchanges, mergers, or other acquisitions of control may be substantially to lessen competition in insurance in this state or tend to create a monopoly therein; or would violate the laws of this state or the United States relating to monopolies or restraint of trade;

(c) The financial condition of an acquiring person is such as would jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or, in the case of an acquisition of control, the interest of any remaining shareholders who are unaffiliated with the acquiring person;

(d) The plans or proposals which the acquiring person has to liquidate the insurer, to sell its assets, or to merge it with any person, or to make any other major change in its business or corporate structure or management, are unfair or prejudicial to policyholders; or

(e) The competence, experience and integrity of those persons who would control the operation of the insurer indicate that it would not be in the interest of policyholders, shareholders, or the public to permit them to do so.

(2) The provisions of sections 4 through 7 of this 1971 amendatory act apply to any change of control if and to the extent that the commissioner, by rule or regulation or by order, shall exempt the same from the provisions of such sections as not comprehended within the purpose of this section.

**NEW SECTION. Sec. 8. (1)** Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except that such requirements shall not apply to a foreign insurer domiciled in a jurisdiction which has adopted by statute or regulation disclosure requirements and standards substantially similar to those contained in this 1971 amendatory act. Any insurer which is subject to registration under the provisions of this section shall register within sixty days after the effective date of this act or fifteen days after it becomes subject to registration, whichever is later, unless the commissioner, for good cause shown, extends the time for registration, and then within such extended time. Nothing in this section shall be construed to prohibit the commissioner from requesting any authorized insurer, which is a member of a holding company system, which is not subject to registration under the provisions of this section for a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of its state of domicile.

(2) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:

(a) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(b) The following transactions currently outstanding between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales or exchanges of securities of the affiliate by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements, based upon generally accepted accounting principles, and

(vi) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company; and

(c) Other matters concerning transactions between a registered insurer and any affiliate as may be required by the commissioner.

(3) No information need be disclosed on the registration statement filed pursuant to the provisions of this section if such information is not material for the purposes of this 1971 amendatory act. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one half of one percent or less of an insurer's admitted assets as of December 31 immediately preceding shall not be deemed material for purposes of this section.

(4) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on forms provided

by the commissioner on or before the fifteenth day of the following month in which it learns of each such change or addition.

(5) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(6) Two or more affiliated insurers subject to registration hereunder may file a consolidated registration statement or consolidated reports amending their respective consolidated statements or their individual registration statements so long as such consolidated filings correctly reflect the condition of and transactions between such persons.

(7) The commissioner may allow any insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (1) of this section, and to file all information and material required to be filed under the provisions of this 1971 amendatory act.

(8) The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section as not comprehended within the purposes thereof.

(9) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and basis for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard, and after making specific findings of fact to support such disallowance.

**NEW SECTION.** Sec. 9. Material transactions by registered insurers with their affiliates occurring after the effective date of this 1971 amendatory act shall be subject to the following standards:

(1) The term shall be fair and reasonable;

(2) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transaction; and

(3) The insurer's surplus to policyholders following any dividends or distributions to shareholders or affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

**NEW SECTION.** Sec. 10. For purposes of this 1971 amendatory act, in determining whether an insurer's surplus to policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus to policyholders;

(8) The surplus to policyholders maintained by other comparable insurers;

(9) The adequacy of the insurer's reserves; and

(10) The quality and liquidity of investments in subsidiaries.

**NEW SECTION.** Sec. 11. No insurer subject to registration under the provisions of this 1971 amendatory act shall pay any extraordinary dividend or make any other extraordinary distribution to its stockholders until sixty days after the commissioner has received notice of the intent to declare such dividend or distribution and has not within such period disapproved such payment, or the commissioner shall have approved such payment within such sixty-day period. For purposes of this section, an extraordinary dividend or distribution is any dividend or distribution which, together with other dividends or distributions made within the preceding twelve months, exceeds the greater of ten percent of such insurer's surplus to policyholders as of December 31 of the year immediately preceding, or the net gain from operations of such insurer if such insurer is a life insurer, or the net investment income if such insurer is not a life insurer, for the twelve-month period ending December 31 of the year immediately preceding. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon stockholders until the commissioner has approved the payment of such dividend or distribution or the commissioner has not disapproved such payment within the thirty-day period referred to above.

**NEW SECTION.** Sec. 12. (1) Subject to the limitations contained in this section and in addition to the powers which the commissioner has under chapter 48.03 RCW, relating to the examination of insurers, the commissioner shall also have the power to order any insurer

registered under the provisions of this 1971 amendatory act to produce such records, books, or papers in the possession of the insurer or affiliates as shall be necessary to verify the information required to be contained in the insurer's registration statement, and any additional information pertinent to transactions between insurer and affiliates. Such books, records, papers and information shall be examined in the manner prescribed in chapter 48.03 RCW relating to the time, place and expense of examination.

(2) The purposes of the examination, under the provisions of subsection (1) of this section, shall be to verify the registration statement and any addition or amendment thereto made pursuant to the provisions of this 1971 amendatory act.

*NEW SECTION.* Sec. 13. Every report made pursuant to the provisions of this 1971 amendatory act, including every report of examination or investigation, and any duly authenticated copy thereof in the possession of any person subject to the provisions of this act, shall be a confidential communication, shall not be subject to subpoena and shall not be made public by the commissioner without the prior written consent of the insurer or unless the commissioner determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may make a public record or publish all or any part thereof in such manner as he may deem appropriate.

*NEW SECTION.* Sec. 14. Any person obtaining or attempting to obtain control of a domestic insurer shall by such act subject such person to the jurisdiction of the courts of this state.

*NEW SECTION.* Sec. 15. The commissioner may, upon notice and opportunity for all interested parties to be heard, issue such reasonable rules, regulations and orders as shall be necessary to carry out and effectuate provisions of this 1971 amendatory act.

Sec. 16. Section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260 are each amended to read as follows:

(1) An insurer shall invest and keep invested its funds aggregating in amount, if a stock insurer, not less than one hundred percent of its minimum required capital, or if a mutual or reciprocal insurer, not less than one hundred percent of its required minimum surplus, in cash or investments eligible in accordance with RCW 48.13.040 (public obligations), and in mortgage loans on real property located within this state, pursuant to RCW 48.13.110.

(2) In addition to the investments required by subsection (1) of this section, an insurer shall invest and keep invested its funds aggregating not less than one hundred percent of its reserves required by this code in cash or premiums in course of collection or in investments eligible in accordance with the following sections: RCW 48.13.040 (public obligations), 48.13.050 (corporate obligations), 48.13.080 (preferred or guaranteed stocks), 48.13.090 (trustees' or receivers' obligations), 48.13.100 (equipment trust certificates), 48.13.110 (mortgages, loans and contracts), 48.13.150 (auxiliary chattel mortgages), 48.13.160 (real property, home office building, etc.) 48.13.180 (foreign securities), 48.13.190 (policy loans), 48.13.200 (savings and share accounts), 48.13.220 (*common stocks*), 48.13.230 (collateral loans), 48.13.250 (special consent investments).

(3) This section shall not apply to title insurers nor to mutual insurers on the assessment premium plan.

*NEW SECTION.* Sec. 17. If any provision of this 1971 amendatory act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this 1971 amendatory act which can be given effect without the invalid provisions or application and for this purpose the provisions of this 1971 amendatory act are separable.

*NEW SECTION.* Sec. 18. Sections 3 through 15 and section 17 shall be added to chapter 79, Laws of 1947 and shall constitute a new chapter in Title 48 RCW.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Bailey, the House message on Engrossed Senate Bill No. 380 was made a special order of business for 2:00 p.m. today.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 858, by Senator Talley:

An Act relating to public lands; and providing for the exchange of public lands for lands adjacent to Seaquest State Park.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 859, by Senator Scott:

An Act relating to taxation; levying a tax on toilet preparations; creating new sections; and prescribing penalties.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 860, by Senators Durkan, Gardner, Guess, Holman, Knoblauch, Keefe, Herr, Cooney, Odegaard, Washington, Peterson (Lowell), Sandison, Fleming, Talley, Walgren and Huntley:

An Act relating to community colleges and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed capital projects and capital improvements for the state community college districts; providing ways and means to pay said bonds; making an appropriation; and providing for the submission of this act to a vote of the people.

Referred to Committee on Higher Education and Libraries.

#### MOTION

On motion of Senator Atwood, the rules were suspended and additional sponsors were added to Senate Bill No. 860.

SENATE BILL NO. 861, by Senators Henry, Washington and Huntley:

An Act relating to the authority to employ, appoint, discipline, or discharge employees of the department of highways; and amending section 47.01.160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.160.

Referred to Committee on Transportation.

SENATE CONCURRENT RESOLUTION NO. 20, by Senators Metcalf, Francis and Peterson (Lowell):

Authorizing a study of the protection of animals.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 218, by Representatives Benitz, Julin and Hubbard:

Authorizing regional law libraries.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 248, by Representatives Bottiger, Haussler, North, Merrill, Shera, Wojahn, Maxie, Randall, Bluechel, Kraabel, Cunningham, Blair, Rabel, Grant, Williams, Douthwaite and Paris (by executive request):

Permitting county road millage funds to be used for other services in unincorporated area of county.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 540, by Representatives Amen, Haussler, Newhouse, Zimmerman, Ceccarelli, Thompson, Pardini, Bledsoe, Benitz, Cunningham, King, Paris, Farr and Hansey (by executive request):

Regulating pesticides and establishing a control board.

Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO. 604, by Representatives Brouillet and Kirk:

Implementing law relating to the state advisory council on vocational education.

Referred to Committee on Higher Education and Libraries.

SUBSTITUTE HOUSE BILL NO. 654, by Committee on Revenue and Taxation:

Providing additional powers, duties, and functions to the department of revenue.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 696, by Representatives Smythe, Adams, Shera, Backstrom, Brown, King, Wojahn, Zimmerman, Kilbury, Cunningham, Charnley, Hoggins, Curtis, North and Wolf (by executive request):

Providing for a temporary study commission on "no fault" automobile insurance.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 718, by Representatives Bledsoe, Marsh, Copeland, Harris, Rosellini, Martinis, Newhouse and Bradley:

Increasing the allowable interest on consumer installment sales to fifteen percent.  
Referred to Committee on Commerce and Regulatory Agencies.

HOUSE JOINT MEMORIAL NO. 14, by Representatives Kirk, Eikenberry and Conner:

Petitioning that all of Fort Lawton be made into a city park, and that no part be used as a correctional institution by the Federal Bureau of Prisons.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 28, by Representatives Goldsworthy, Copeland, Lynch, Moon, Backstrom, Bozarth, Chatalas, Cunningham, Kopet, May, McCormick, O'Brien, Polk, Savage, Shinpoch and Wolf:

Directing a study to review appropriation procedures and practices of other states for possible use in this state.

Referred to Committee on Ways and Means—Appropriations.

#### MOTION

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

#### SENATE RESOLUTION: 1971-EX-30

By Senators Keefe and Woodall:

WHEREAS, On Thursday, March 4, 1971, the Vice President of the United States, Spiro T. Agnew, the highest elected official of the United States Government ever to appear before a Joint Session of the Washington State Legislature, did so appear; and

WHEREAS, The Lieutenant Governor of the State of Washington, John A. Cherberg, did in his capacity as President of the Washington State Senate, preside over that Joint Session of the Washington State Legislature; and

WHEREAS, The Honorable John A. Cherberg did contribute to the dignity and importance of that historic occasion with great fairness and distinguished courtesy, his conduct being devoid of partisanship or political flavor; and

WHEREAS, The nature of the message brought to this assembly by the Vice President of the United States was of transcendent importance to all members of the Legislature and to all people of the State of Washington; and

WHEREAS, Any partisan posturing in the question and answer interchange which followed Vice President Agnew's formal remarks would have detracted both from the impact of his visit to this state and from the serious attention which his subject matter merits; and

WHEREAS, The skillful functioning of the presiding officer, Lieutenant Governor Cherberg, in maintaining his own highest traditions of impartial, courteous, fair and personable parliamentary guidance dissuaded any adventures into partisanship and contributed greatly to the traditionally warm welcome extended to this most distinguished guest by the people and their legislators in this Joint Session of the Washington State Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate do formally commend Lieutenant Governor John A. Cherberg, President of the Washington State Senate, for his distinguished conduct on March 4, 1971, as he presided over the Joint Session of the Washington State Legislature as it welcomed the Vice President of the United States, the Honorable Spiro T. Agnew, to its deliberations; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington do also formally commend John A. Cherberg for his continuing wisdom, fairness, impartiality, dignity, personal charm and good humor in guiding the deliberations and functions of this assembly as its President and as Lieutenant Governor of this State.

#### MOTION

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

#### SENATE RESOLUTION: 1971-EX-31

By Senators Gardner, Stortini, Knoblauch, Newschwander, Lewis and McCutcheon:

WHEREAS, The University of Puget Sound basketball team, the Loggers, won the Far

West regional title of the National Collegiate Athletic Association by defeating the Seattle Pacific Falcons by a score of eighty-five to seventy-eight on Saturday, March 13, 1971; and WHEREAS, The season record for the Loggers is twenty-four wins, four losses; and WHEREAS, The Loggers will be representing the Far West in the NCAA tournament this week in Evansville, Indiana;

NOW, THEREFORE, BE IT RESOLVED, That the Loggers be honored for this outstanding achievement, especially Coach Don Zech and Charles Lowery, voted the most valuable player of the tournament; and

BE IT FURTHER RESOLVED, That the people of the State of Washington extend their best wishes to the Loggers for their continued success in the NCAA tournament; and BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Secretary of the Senate to Coach Zech and to each member of the Loggers basketball team.

## SECOND READING

SENATE BILL NO. 66, by Senators Durkan, Metcalf, Dore, Francis, Huntley, Odegaard, Scott and Ridder (by Joint Committee on Education, executive and Superintendent of Public Instruction request):

Implementing law relating to education of all handicapped children.

## MOTION

On motion of Senator Durkan, Senate Bill No. 66 was made a special order of business immediately following noon recess today.

SENATE BILL NO. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

The Senate resumed consideration of Senate Bill No. 485 on second reading.

On motion of Senator Stender, the following amendment was adopted:

On page 2, section 3, line 23, after "act" and before the period insert ": PROVIDED, That a public meeting may be closed when the business of the meeting is being disrupted by a member or members of the public"

Senator Stender moved adoption of the following amendment:

On page 2, section 4, line 28, after "attendance" and before the period insert ": PROVIDED, That all persons attending a public meeting shall comply with the rules of conduct uniformly established for such meetings"

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Stender yield to a question? Senator, did I understand you to say that the rules of conduct would be established by the members of the committee? If so, would it not be proper that there would be language to clarify that fact?"

Senator Stender: "I assume the chairman would announce the rules of conduct. I do not know that he would in fact make the rules, but he would announce them to the public in the event of a meeting being held where the public was in attendance. I do not think this says who will make the rules, it just says they shall comply with the rules of conduct uniformly established for such meetings."

Senator Mardesich: "Then it is your intention that it should be the chairman who should provide that rules be established and those rules be followed?"

Senator Stender: "If there is not any other authority then probably the body themselves would have rules of conduct that they would adopt for the general public."

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

On motion of Senator Atwood, the following amendment was adopted:

On page 3, section 5, line 8, after "body" and before the period insert ": PROVIDED, That the notice requirements of this act shall be suspended during such emergency"

Senator Stender moved adoption of the following amendment:

On page 5, section 10, line 15, after "all" insert "standing"

## POINT OF INQUIRY

Senator Gissberg: "I think the amendment is a good one, but it does raise another question. Senator Woodall, do you have the bill before you so we can get something in the record on this? For instance, I have appointed a subcommittee of the Judiciary Committee to do certain technical work in connection with reporting back to the entire Judiciary

Committee with a recommendation. We have held extensive hearings on the matter on which I have appointed the subcommittee and it would serve no useful purpose to have that subcommittee meet in open deliberation with members of the public present. In other words, it is a working subcommittee trying to come up with draft of rather technical language and so forth.

"Now then, if Senator Stender's amendment were adopted, it would mean all meetings of the state legislature and all standing committees and subcommittees thereof. Senator Woodall, would it be intended that the word 'standing' not only modify the word 'committee' but also modify the word 'subcommittee'?"

Senator Woodall: "Senator Gissberg, it certainly would be my construction that it would modify and certainly a special subcommittee to perform the sort of task as outlined by your question certainly should be excluded from the act because such a matter would impair the function of the legislature. So it would be my construction that it would modify both the word 'committee' and 'subcommittee'."

#### POINT OF INQUIRY

Senator Elicker: "Would Senator Washington yield to a question? Senator, as I read the act, twenty-four hour notice provision is in section 8 and applies to public bodies. Public bodies are not the legislature as I read section 1. Now is my understanding correct that under section 11, section 12 which specifically apply to the state legislature, there is no notice provision?"

Senator Washington: "That is my understanding."

#### POINT OF INQUIRY

Senator Holman: "Will Senator Washington yield? Senator, the Committee on Rules and Joint Rules is a standing committee of this body, is it not?"

Senator Washington: "Yes, it is."

Senator Holman: "And therefore I assume that if this act becomes a law that all Rules Committee meetings will be open to the public."

Senator Washington: "This is true."

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Washington yield? Section 11, says that any of the members of the legislature who do anything against this bill are guilty of a misdemeanor. I am not a lawyer but isn't that a sort of a crime?"

Senator Washington: "Yes, it is."

Senator Canfield: "Does not the Constitution give a certain immunity to legislators?"

Senator Washington: "It gives you immunity from arrest, not immunity to commit crimes."

Senator Canfield: "Would you please elaborate on that a little bit?"

Senator Washington: "It is my understanding, I notice a head shake from one of our great constitutional lawyers, but as I understand it, we cannot be arrested or detained during our service in the legislature. However, we can be arrested and detained for any crimes that we may commit during the legislative session after the session is over."

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

#### MOTIONS

On motion of Senator Wilson, Senate Bill No. 485 as amended was made a special order of business immediately following consideration of Senate Bill No. 66.

Senator Bailey moved that Senate Bill No. 317 be held on the second reading calendar for Thursday, March 18, 1971.

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Bailey yield to a question? I have no objection but what is the reason for holding the bill over?"

Senator Bailey: "Senator, there is no ulterior motive. Senator Greive is going to be in this afternoon but Senator Ridder had to leave this afternoon on a committee assignment. He will be back in the morning. He would like to be able to vote on the bill, but we could hold it over until this afternoon if you do not want it held until tomorrow."

The motion by Senator Bailey carried and Senate Bill No. 317 was ordered to hold its place on the second reading calendar for Thursday, March 18, 1971.

SUBSTITUTE SENATE BILL NO. 226, by Judiciary Committee:

Requiring the state to pay certain costs incurred in the condemnation of real estate for highway purposes.

The bill was read the second time by sections.

#### MOTIONS

On motion of Senator McDougall, Senator Newschwander was excused.

On motion of Senator Woodall, the rules were suspended, Substitute Senate 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 Substitute Senate Bill No. 226 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—44.

Absent or not voting: Senator Ridder—1.

Excused: Senators Greive, McCutcheon, Newschwander, Whetzel—4.

SUBSTITUTE 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.

#### MOTIONS

On motion of Senator Bailey, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Thursday, March 18, 1971.

On motion of Senator Fleming, Senate Bill No. 110 was ordered to hold its place on the second reading calendar for Thursday, March 18, 1971.

#### SECOND READING

SENATE BILL NO. 209, by Senators Day, Henry and Huntley:  
Providing axle loads for garbage and refuse collection trucks.

#### REPORT OF STANDING COMMITTEE

March 1, 1971.

SENATE BILL NO. 209, providing axle loads for garbage and refuse collection trucks (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 8, following "*PROVIDED, That a*" strike all the underlined material down to and including "*of this chapter*" in line 11 and insert "*tolerance of 2,000 pounds may be allowed on the rear axle of a two axle garbage truck: PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed 18,000 pounds*"

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Durkan, Foley, Guess, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Murray, Peterson (Lowell), Sandison, Stender, Talley.

The bill was read the second time by sections.

Senator Henry moved adoption of the committee amendment.

Senator Washington moved adoption of the following amendment to the committee amendment:



In line 5 of the amendment after "garbage truck"; insert "*and trucks hauling farm produce when the produce is loaded into a moving truck directly from a moving harvester*"; Debate ensued.

#### MOTION

Senator Lewis moved that Senate Bill No. 209 be made a special order of business following noon recess.  
Debate ensued.

#### POINT OF ORDER

Senator Woodall: "Senator Lewis is speaking on the merits of an amendment which has not yet been written."

#### RULING BY THE PRESIDENT

The President: "The Senator will please confine his remarks to the motion."

#### MOTIONS

On motion of Senator Durkan, the motion by Senator Lewis was laid upon the table.  
On motion of Senator Henry, the amendment by Senator Washington to the committee amendment was laid upon the table on a rising vote.

The President declared the question before the Senate to be the adoption of the committee amendment.

The motion by Senator Henry carried and the committee amendment was adopted.

Senator Washington moved adoption of the following amendment:

On page 1, section 1, line 12 after "It is" and before "to operate" strike "lawful" and insert "unlawful"

Debate ensued.

The motion carried and the amendment was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 209 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. 209, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall-43.

Voting nay: Senator Andersen-1.

Absent or not voting: Senator Ridder-1.

Excused: Senators Greive, McCutcheon, Newschwander, Whetzel-4.

ENGROSSED SENATE BILL NO. 209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 51, by Senators Day, Murray and Ridder (by departmental request):

Providing for changes in certain licensing regulations.

## MOTION

On motion of Senator Day, Substitute Senate Bill No. 51 was substituted for Senate Bill No. 51 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gardner, the following amendment was adopted:

On page 8, section 11, line 10, strike “, associate broker, or salesmen”

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

On page 10, section 15, line 17, strike “twenty” and restore “ten”

On page 11, line 5, following section 15, add two new sections to read as follows:

**NEW SECTION.** Sec. 16. Every registered pharmacist who desires to continue the practice of his profession shall secure from the board a renewal registration license, the fee for which shall be fifteen dollars payable on or before June 1, 1972 and thereafter whenever the present license of the registered pharmacist expires, and shall continue to be payable on or before June 1 of each and every year thereafter. Pharmacists shall pay an additional fifteen dollars for the late renewal of their license. Every certificate of registration or the current renewal thereof shall be conspicuously displayed in the drug store, pharmacy or dispensary to which it applies.

**NEW SECTION.** Sec. 17. The following acts, or parts of acts, are hereby repealed: Section 9, chapter 38, Laws of 1963 and RCW 18.64.140 are each repealed.

On page 1, line 22 of the title, following “RCW 18.64.043” insert “; adding new sections and repealing section 9, chapter 38, Laws of 1963 and RCW 18.64.140”

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate Bill No. 51 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 Gissberg: “Would Senator Day yield? Is two hundred fifty thousand dollars a net figure?”

Senator Day: “Yes.”

Senator Gissberg: “That includes the decrease of the nursing home fees as well?”

Senator Day: “Yes.”

Senator Gissberg: “Are nursing home fees paid to the department of licenses?”

Senator Day: “Yes. Now what this nursing home decrease was about is that they originally passed their nursing home operators’ licensing act last session and it was estimated then that they would need one hundred dollars from each license to carry their freight and actually they did not need half that much. So the reduction to fifty dollars is actually a compromise with the nursing home operators. They want it reduced to twenty-five dollars but reducing it to fifty dollars, we still have a very positive fiscal impact, Senator.”

## POINT OF INQUIRY

Senator Canfield: “Will Senator Day yield to a question? Senator, since this is a license fee increase for a number of professions, I would like to have it in the record that the various people concerned have agreed to these license increases.”

Senator Day: “I think that in the main they have agreed to them that there is always some question. For example, the medical fee which has been seven dollars is being raised to fifteen; the osteopathic fee which has been five dollars is being raised to fifteen; the barbers have been paying nine dollars.”

“The original bill that came over from the department wanted to raise the barbers to ten dollars but the committee in its wisdom took that out of the bill. I believe that it is just. I do not say that everyone is completely agreed that this is the fee they would like to pay but it is standardized now. Optometrists, chiropractors, podiatrists, all pay fifteen dollars to have their license renewed. This will make osteopaths and physicians pay fifteen dollars and it will standardize it. There was a deficiency in the board of pharmacy of quite a bit of money. They have taken on quite a number of additional problems with drug abuse and so forth. The pharmacists actually are on ancillary service to the physician and the other healing arts that use drugs.”

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 51, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senator Durkan—1.

Absent or not voting: Senators Elicker, Ridder—2.

Excused: Senators McCutcheon, Newschwander, Whetzel—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 51, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

#### SECOND READING

SENATE BILL NO. 16, by Senator Atwood:

Providing the powers of initiative and referendum to county electors.

#### MOTIONS

On motion of Senator Atwood, Substitute Senate Bill No. 16 was substituted for Senate Bill No. 16, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Atwood, Substitute Senate Bill No. 16 was ordered held on the second reading calendar for Thursday, March 18, 1971.

#### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 66, by Senators Durkan, Metcalf, Dore, Francis, Huntley, Odegaard, Scott and Ridder (by Joint Committee on Education, executive and Superintendent of Public Instruction request):

Implementing law relating to education of all handicapped children.

The time having arrived, the Senate commenced consideration of Senate Bill No. 66.

#### REPORT OF STANDING COMMITTEE

March 5, 1971.

SENATE BILL NO. 66, Implementing law relating to education of all handicapped children (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 8, section 14, line 25, after "July 1," strike "1973" and insert "1972".

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Donohue, Fleming, Francis, Holman, Huntley, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Twigg, Washington, Wilson.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

Senator Francis moved adoption of the following amendment by Senators Francis and Dore:

On page 4, section 4, beginning on line 17, after the period insert the following: "*The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those handicapped students eligible for such aid under programs of the department.*"

Debate ensued.

The motion carried and the amendment was adopted on a rising vote.

#### POINT OF INQUIRY

Senator Canfield: "Mr. President, I was just wondering if Senator Francis would read the way that should read now that his amendment has been adopted. I cannot quite make it clear. Would you mind reading it the way you have amended it?"

Senator Francis: "Starting on line 4 of page 17, the bill will now read, 'The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those handicapped students eligible for such aid under programs of the department. The cost of approved board and room shall be provided for those handicapped students deemed in need of the same by the superintendent of public instruction.'"

Senator Canfield: "There is no conflict there in those where it says the cost of room and board in one case is paid by the department of social and health services and in the other case it is paid by the superintendent of public instruction? There is no conflict there?"

Senator Francis: "No. In other words, only in those cases where they are not eligible for department of social and health services funds would it be paid for by the superintendent of public instruction."

On motion of Senator Francis, the following amendments by Senators Francis and Dore were adopted:

On page 4, section 4, line 18, after "Students" and before "deemed" insert, "*not eligible under programs of the department of social and health services, but*"

On page 4, section 4, line 22, after "by" strike "the division of institutions of"

Senator Francis moved adoption of the following amendment by Senators Francis and Dore:

On page 4, section 4, beginning on line 26 after "operated by" strike "*the division of institutions of*"

Debate ensued.

#### MOTION

On motion of Senator Durkan, Senate Bill No. 66 as amended was made a special order of business for 11:30 a.m., Tuesday, March 23, 1971.

#### SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the House message and amendment to Engrossed Senate Bill No. 380.

#### MOTION

On motion of Senator Mardesich, the House message and amendment to Engrossed Senate Bill No. 380 was ordered held for consideration on Thursday, March 18, 1971.

#### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

The time having arrived, the Senate resumed consideration of Senate Bill No. 485 on second reading.

Senator Scott moved adoption of the following amendment:

On page 4, section 8, line 17, strike "No other business shall be considered" and insert "Final disposition shall not be taken on any other matter"

Debate ensued.

#### POINT OF INQUIRY

Senator Greive: "Would Senator Scott yield to a question? Senator, what would prevent a particular board, say the board of regents or somebody from just simply

transacting all of their business privately and then coming forth and officially ratifying with no debate, no discussion or no understanding as far as the public is concerned as to how they arrived at it under this amendment?"

Senator Scott: "In Senator Washington's bill that would be illegal. Of course they could do it and perhaps one of the larger implications of this bill is that they will hold private sessions for purposes of prearrangement and the meetings will be strictly formalized, but my amendment does not change the overall implications of the bill."

Senator Greive: "Senator, I do not really understand what you are attempting to do here."

Senator Scott: "If you will notice beginning on line 12, it says that in a special meeting the local radio or television station has to be given at least twenty-four hours' advance notice. If you have an emergent situation, and I use the instance of a public utility district operation where you had a flash flood, you would not be able to bring that up on the next day for discussion. It would be considered business that had been stated twenty-four hours before. This would allow it to be discussed, testimony to be taken, the public to offer their opinion, although you could not make a final disposition on the matter."

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Scott yield further? Senator, has any thought been given under this bill as to what happens in a county where you have a weekly newspaper? How do you give a twenty-four hour notice? It seems to me that in those counties it is going to have to be a week's notice. Although your particular amendment improves it some, it seems to me you still are placing a small county that has only a weekly newspaper in quite a bind. Has any thought been given as to how they get out from under this particular bind?"

Senator Scott: "Senator Woodall, as you indicate, I am simply trying to improve Senator Washington's bill and I suggest your question be directed to him."

Senator Washington: "I did discuss this amendment with Senator Scott and believe it does take care of a problem when an individual comes in and wants to raise a matter that was not on the agenda. There might be some questions. You have to give notice to each local newspaper but you are bringing the point that they would not be able to act except within a week. Of course at the present time, we have to give notice for special meetings to the press."

Senator Woodall: "My point, Senator Washington, is that you have the twenty-four hour notice. Now if you are in a county that has a daily paper, they can do this but if you are in a county that has only a weekly and a matter has come up to your attention and the weekly paper has just come out, then you have tied up the governing bodies of that county for a period of a whole week, not just twenty-four hours as in the case of some of the other counties."

Senator Washington: "I do not understand that that could be the case. You have to give a twenty-four hour notice. You give a twenty-four hour notice to each individual and you give it to a local newspaper but I do not think there is anything in here that states that you still could not hold an emergency meeting."

#### POINT OF INQUIRY

Senator Stender: "I would like to ask Senator Washington a question. Senator, in these notices, are these going to be political ads or are these going to be news notices? Are they going to be paid?"

Senator Washington: "You only have to notify the press. The press does not have to publish. The press just has to know that a meeting is going to be held. They are notified of it. At the present time this is not uncommon. You would have roughly the same procedure that you have now; in order to hold a special meeting you have to call the press and the news media and tell them that you are holding a meeting and they can then either come or not. They do not publish an actual notice. They just have to be told of it."

#### POINT OF ORDER

Senator McDougall: "Did not Senator Greive move that this bill be held over? Is that before us at the present time?"

#### RULING BY THE PRESIDENT

The President: "That has not been determined as yet, Senator McDougall. As the President understood Senator Greive, he suggested. The President has directed a query to Senator Greive as to his intentions. Then Senator Stender rose, was recognized, and wishes to ask Senator Washington a question, which the President believes is in order."

#### MOTION

On motion of Senator Greive, Senate Bill No. 485 and the pending amendment by

Senator Scott was ordered held on the second reading calendar for Thursday, March 18, 1971.

### SECOND READING

SENATE BILL NO. 465, by Senators Andersen and Greive (by departmental request):  
Amending certain provisions for pilotage on Puget Sound.

The bill was read the second time by sections.

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

On page 3, section 3, beginning on line 2, strike all the underlined material on lines 2 and 3.

On page 3, section 3, line 3, beginning with "[All" restore all the stricken language down to and including "action.]" on line 13.

On motion of Senator Gardner, the following amendment was adopted:

On page 3, section 4, line 17, after "*corporation*" and before "*the*" strike "*which requests*" and insert "*requiring*"

Senator Elicker moved adoption of the following amendment:

On page 3, line 23, insert as Sections 5 and 6 the following:

"NEW SECTION. Sec. 5. There is added to chapter 88.16 RCW a new section to read as follows:

Every licensed pilot boarding any vessel navigating Puget Sound and adjacent inland waters or Grays Harbor and Willapa Bay shall present to the master of such vessel a copy of the statutes of the state of Washington and the regulations of the department of ecology concerning water pollution including a list of the penalties for violation of such statutes and regulations. The copy of such statutes, regulations, and penalties shall be prepared by the department of ecology. Failure of a licensed pilot to present a copy of the aforementioned statutes, regulations, and penalties as herein provided shall be grounds for the board to suspend or revoke the pilot's license.

NEW SECTION. Sec. 6. There is added to chapter 88.16 RCW a new section to read as follows:

Every licensed pilot boarding any vessel navigating Puget Sound and adjacent inland waters or Grays Harbor and Willapa Bay shall report to the department of ecology any violation of the water pollution laws of this state by such vessel which he observes or has knowledge of, including but not limited to the dumping of garbage, pumping of ballast and the transfer of bunkers in the waters of this state. Failure of a licensed pilot to report such violations shall be grounds for the board to suspend or revoke the pilot's license."

### POINT OF INQUIRY

Senator Peterson (Ted): "Will Senator Elicker yield to a question? Senator, do the freighters of this type of vessel have holding tanks for both liquid and solid waste such as garbage?"

Senator Elicker: "As far as holding tanks for liquid waste is concerned, this is a subject all of itself. The federal government has probably preempted anything that we can do in this area. It is not against the law in the state of Washington to dump raw garbage from a vessel. As far as I am aware, there are no rules and regulations of the department of ecology. As far as garbage is concerned, this can be a rather bad thing. A lot of the vessels that come into Puget Sound and tie up for any substantial length of time stack their garbage on the fantail and then when the vessel is under way, they dump the garbage. If they want to dump that garbage two or three hundred miles out at sea, I guess that is their business. If they want to dump it off of Carkeet park, Senator, I do not think that is their business."

Senator Peterson (Ted): "Further on that, on the new ferries that are being built, since you are from Bremerton I thought you might know, do they have holding tanks in the specifications and plans?"

Senator Elicker: "The new ferries that are being built will have holding tanks and we have every hope that this legislature will see fit to appropriate money to begin a holding tank program for the existing ferries."

### POINT OF INQUIRY

Senator Greive: "Would Senator Stortini yield to a question? I do not understand this amendment by Senator Elicker. All I know is what I have heard from the floor. Was anything of this sort discussed in your committee?"

Senator Stortini: "Senator Greive, we had a hearing about two weeks ago in regard to this bill. At that time we had a number of representatives there. The big concern was that there would be some overlapping in regards to some of the amendments that were proposed along these lines. Senator Elicker did not propose these amendments at that time though. As a result, we had a second hearing and decided that the bill would go into the Committee on Rules and Joint Rules under the original form. The Coast Guard felt that any of the amendments that we had were overlapping, were covered in the federal laws."

## POINT OF INQUIRY

Senator Greive: "Would Senator Elicker yield to a question? Senator, what is your comment upon that?"

Senator Elicker: "All I am saying is that it has come to my attention, particularly on the west coast of Puget Sound, the area in which I live, that a great deal of garbage floats up on the beach. I have been told by pilots in the state of Washington that it is common practice at night for certain foreign vessels, one nation in particular, to dump garbage. The captain just says, 'Go back on the fantail and dump the garbage, get rid of it' and off it goes.

"All I am saying is that if this is against the laws of the state of Washington, which I think it is, and the pilot observes this, then he says to the department of ecology, 'The master of so and so dumped garbage off Kingston at 1:15 on Thursday, April 13.'"

Senator Guess moved that the amendment by Senator Elicker be laid upon the table.

## POINT OF ORDER

Senator Talley: "The way I read this amendment and read the bill, I think the amendment by Senator Elicker extends the scope and object of this bill far beyond the title it carries."

## MOTION

Senator Mardesich moved that Senate Bill No. 465 and the pending amendment by Senator Elicker be held on the second reading calendar for Thursday, March 18, 1971.

## POINT OF INQUIRY

Senator Atwood: "Mr. President, we do not have any rules today. They expired yesterday."

Senator Greive: "Mr. President, I think when we went back some years to the rule of the majority, we finally concluded that Reed's Rules govern and Reed's Rules are the same as our rules on that particular matter."

## REPLY BY THE PRESIDENT

The President: "In the absence of rules, the President will place the motions in the order in which they have been presented."

The President declared the question before the Senate to be the motion by Senator Guess to lay upon the table the amendment by Senator Elicker.

The motion carried on a rising vote and the amendment was laid upon the table.

The motion by Senator Mardesich carried. Senate Bill No. 465 was ordered held on the second reading calendar for Thursday, March 18, 1971.

## PERSONAL PRIVILEGE

Senator Andersen: "As one of the sponsors I just thought on the point of personal privilege I would pay tribute to the unknown but often repeated author of the following statement: 'I know you believe you understand what you think I said. However, I am not sure you realize that what I think you heard is not what I meant.' Hopefully in the next day we can straighten this bill out."

## SECOND READING

SENATE BILL NO. 469, by Senators Sandison, Atwood, Foley, Holman and Gissberg: Establishing an administrative procedures act for state institutions of higher education and providing for delegation of certain powers.

## REPORT OF STANDING COMMITTEE

March 3, 1971.

SENATE BILL NO. 469, establishing an administrative procedures act for state institutions of higher education and providing for delegation of certain powers (reported by Committee on Higher Education and Libraries):

Recommendation: Do pass with the following amendment:

On page 4, section 3, following the period on line 4 insert a new paragraph to read as follows:

"(3) When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required by subsection (1)(a) of this section, the code reviser shall not publish such rule and such rule shall not be effective for any purpose."

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Francis, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 469 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 Stender: "Mr. President, would Senator Sandison yield? Senator, is this bill limited to state colleges and universities?"

Senator Sandison: "That is correct, Senator."

Senator Stender: "They have rules and regulations now. How does this affect that particular principle?"

Senator Sandison: "It adopts the principle set up under the administrative procedures act and brings it into the universities and colleges, but because of their differing function it makes changes in the act so that it fits within those functions so that they can carry on their traditional university activities."

Senator Stender: "One further question. Would the present rules and regulations, if this were to pass and become law, would they have to be re-enacted under this act?"

Senator Sandison: "Yes, they are going to have to re-enact and change if necessary every rule and regulation they have. I think that is one of the beneficial and purgative benefits of this particular bill because it will force them to look over a lot of disused and a lot of archaic and obsolete regulations they have that I think in the past have led to a lot of the dissention on the campus."

Senator Stender: "Then one further question. Why then, if they at the university level have to have this type of an approach, could not the other institutions like the common schools be covered under the same act?"

Senator Sandison: "I would not be prepared to speak to the problem of the common schools. We were only working on higher education here. But it seems to me that the common school problems are more solid and static and require less change than do our universities and our colleges."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 469, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senator Clarke—1.

Absent or not voting: Senators Lewis, Ridder—2.

Excused: Senators McCutcheon, Newschwander, Whetzel—3.

ENGROSSED SENATE BILL NO. 469, having received the constitutional 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 3:05 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, March 18, 1971.

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



## SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, March 18, 1971.

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 Durkan. On motion of Senator Keefe, Senator Durkan was excused.

The Color Guard, consisting of Pages Paul Zellinsky, Color Bearer, and Mary Jenne, presented the Colors. Doctor Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"How great Thou art, our God. You create the stars and the sun, You send the rain and You give us the air and the earth to make our food; You dwell in the hearts of Your people. Help us to be still this day and know ourselves in Your presence. May we, in Your presence, know that our life is but a speck in time compared to Your eternal purpose for Your creation and Your companionship with men. May we use the energies of our lives to serve those ends that do not pass away, and give ourselves to those causes which transcend self-centered desire and selfish gain. Hard as it is for us, our Heavenly Father, help us to be honest, sincere and fair in our dealings with other people, obeying Your laws as we give ourselves to the task of making laws which govern the men and women of this state. Though we know the danger of uncontrolled power, help us not to be afraid of using power responsibly to achieve those conditions which lead to brotherhood, decency and survival for all in this world. We thank You that You have put it into the hands of men to govern themselves, we ask only that You would help us to govern with love, not hate; with mercy, not meanness; with wisdom, not foolishly. O Great God, make us great as we share in Your life, through faith, hope and steadfastness in the use we make of Your gifts, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 17, 1971.

SENATE BILL NO. 82, authorizing conveyance of certain tidelands in King county to state board for community college education (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 298, requiring certain insurance coverage for employees of school districts and institutions of higher learning (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 16, 1971.

SENATE BILL NO. 371, enacting a Washington State Labor Relations Act (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass, and that the bill be referred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

There being no objection, Senate Bill No. 371 was referred to the Committee on Ways and Means—Appropriations.

March 18, 1971.

SENATE BILL NO. 404, requiring practical experience for instruction of teaching methods (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

March 16, 1971.

SENATE BILL NO. 415, providing for the regulation of labor relations in health care activities (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 501, providing for non-discrimination in schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 531, providing for publication and sale of state common school code (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 627, adding changes to the law relating to the collective bargaining of public employees (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 781, providing for one county road district (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Elicker, Fleming, Herr, Mardesich, McDougall, Peterson (Ted), Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 821, providing that islands may be incorporated as cities (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, Herr, Mardesich, McDougall, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 842, exempting professional personal services from bid requirements when dealing with cities, and towns (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Fleming, Herr, Mardesich, McDougall, Peterson (Ted), Talley, Waigren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 857, making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Durkan, Henry, Jolly, Mardesich, Murray.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

HOUSE BILL NO. 237, increasing the dollar amount of resources that can be sold through the small sale procedure of the department of natural resources (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

ENGROSSED HOUSE BILL NO. 248, permitting county road millage funds to be used for other services in unincorporated area of county (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

ENGROSSED HOUSE BILL NO. 300, relating to right of entry by department of natural resources employees (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

ENGROSSED HOUSE BILL NO. 415, providing for the investigation and control of pesticide poisoning (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

#### MOTION

Senator Mardesich moved that the House message on Engrossed Senate Bill No. 380 and the amendment thereto be held for consideration on Friday, March 19, 1971.

#### POINT OF INQUIRY

Senator Day: "Mr. President, as the prime sponsor of the bill, I would like to ask the Senator to yield to a question. Senator Mardesich, is it the Senate bill which is comparable to this that you are holding the hearing on? Have you discussed with the insurance commissioner his feelings on this House amendment?"

Senator Mardesich: "Not directly. They are going to be at the meeting today though, because we are hearing four insurance bills today and he will be there. I take it that he has no great objection to this, although as I say, we have not heard anything on it in committees yet. It is scheduled for today."

Senator Day: "But this bill is not in your committee."

Senator Mardesich: "Not this bill but a similar one."

Senator Day: "I would like to state for the benefit of the floor that I have discussed this House amendment with the insurance commissioner's office and they are in favor of the bill. The industry is in favor of the bill and I have no objection to the good chairman of the committee holding a hearing and completely clarifying the issue for tomorrow."

The motion carried and Engrossed Senate Bill No. 380 and the House message were ordered held for consideration on Friday, March 19, 1971.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 862, by Senators Atwood and Mardesich (by State Treasurer request):

An Act relating to state warrants; amending section 3, chapter 80, Laws of 1899 and RCW 39.56.010; amending section 43.08.070, chapter 8, Laws of 1965 and RCW

43.08.070; amending section 43.08.080, chapter 8, Laws of 1965 and RCW 43.08.080; amending section 43.84.120, chapter 8, Laws of 1965 and RCW 43.84.120; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 863, by Senators Walgren, Washington and Atwood:

An Act relating to local improvement districts; amending section 1, chapter 205, Laws of 1947 as amended by section 6, chapter 20, Laws of 1963, and RCW 79.44.060; amending section 35.44.220, chapter 7, Laws of 1965 as amended by section 8, chapter 258, Laws of 1969 ex. sess., and RCW 35.44.220; amending section 35.44.250, chapter 7, Laws of 1965 as amended by section 9, chapter 258, Laws of 1969 ex. sess., and RCW 35.44.250; amending section 35.43.030, chapter 7, Laws of 1965 as amended by section 2, chapter 52, Laws of 1967, and RCW 35.43.030; amending section 35.49.030, chapter 7, Laws of 1965 as amended by section 15, chapter 258, Laws of 1969 ex. sess., and RCW 35.49.030; amending section 35.54.010, chapter 7, Laws of 1965 and RCW 35.54.010; amending section 35.44.020, chapter 7, Laws of 1965 as amended by section 6, chapter 258, Laws of 1969 ex. sess., and RCW 35.44.020; amending section 35.44.140, chapter 7, Laws of 1965 as amended by section 11, chapter 52, Laws of 1967, and RCW 35.44.140; amending section 35.45.020, chapter 7, Laws of 1965 as last amended by section 35, chapter 56, Laws of 1970 ex. sess., and RCW 35.45.020; amending section 35.45.050, chapter 7, Laws of 1965 and RCW 35.45.050; creating a new section; repealing section 35.43.160, chapter 7, Laws of 1965, section 7, chapter 52, Laws of 1967, and RCW 35.43.160; and repealing section 35.43.170, chapter 7, Laws of 1965, section 1, chapter 58, Laws of 1965, and RCW 35.43.170.

Referred to Committee on Cities, Towns and Counties.

SENATE CONCURRENT RESOLUTION NO. 21, by Senators Durkan, Atwood and Foley:

Directing a study by the legislative budget committee of the funding of retirement systems.

Referred to Committee on Ways and Means—Appropriations.

SENATE CONCURRENT RESOLUTION NO. 22, by Senators Atwood, Durkan and Foley:

Directing the legislative budget committee to study state participation in the financing of fire protection costs.

Referred to Committee on Ways and Means—Appropriations.

## MOTION

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

### SENATE RESOLUTION: 1971-EX-32

By Senators Bailey, Greive, Atwood and Andersen:

BE IT RESOLVED, That the temporary rules of the First Extraordinary Session of the Forty-second Legislature be adopted as the permanent rules with the following amendments:

Amend the second paragraph of Rule 58 to read as follows:

“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 [fortieth] *thirteenth* 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, bills relating to redistricting or reapportionment, and general appropriation and revenue bills.”

Amend the first paragraph of Rule 61 to read as follows:

“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 *and special* session this rule may be suspended by a majority vote.”

## MOTION

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

## SENATE RESOLUTION: 1971-EX-33

By Senators Fleming, Guess, Dore, Woodall, Henry, Ridder, Foley, Twigg, Atwood, Andersen, Talley, Lewis and Matson:

WHEREAS, Whitney M. Young, Jr. was a strong but moderate man who was deeply concerned with, and constantly active on behalf of, all the people of the United States; and

WHEREAS, He was a man who dedicated his life to understanding and solving existing racial and social inequalities; and

WHEREAS, This man believed that those existing inequalities and injustices could best be resolved by action within the system and not by retreat into separate societies; and

WHEREAS, This man, a true American, through personal efforts and dedicated, peaceful means has immeasurably enriched the lives of countless citizens of this country; and

WHEREAS, This dedicated service should be recognized by this body and by the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That on this day of March 18, of the year of our Lord 1971, that this resolution be spread upon the minutes of the Senate as a memorial to his full and useful life.

BE IT FURTHER RESOLVED, That copies of this resolution be signed and sent to the family of Whitney M. Young, Jr. and to the Urban League, where he served as Executive Director.

## SECOND READING

SENATE BILL NO. 109, by Senators Washington, Elicker, Bailey, Odegaard, Durkan, Peterson (Ted), Greive, Metcalf, McCutcheon, Stortini, Donohue, Canfield, Connor, Wilson, Murray, Newschwander, Talley, Mardesich, Henry, Knoblauch, Woodall, Sandison, Cooney, Jolly and Walgren:

Providing for modifiable basic school building plans.

## MOTION

On motion of Senator Washington, Substitute Senate Bill No. 109 was substituted for Senate Bill No. 109, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, the following amendment was adopted:

On page 1, section 1, line 10, after "instruction" strike "shall" and insert "is hereby established and required to"

Senator Gardner moved adoption of the following amendment:

On page 2, section 2, line 16, after "1973," delete the balance of subsection (5) and insert "the director shall make available the Washington state school building system to all school districts in the state which may participate on a voluntary basis."

Debate ensued.

Senators Talley, Walgren and Atwood demanded the previous question and the demand was sustained.

Senator Washington demanded a roll call and the demand was sustained by Senators Cooney, Andersen, Peter (Ted), Lewis, Ridder, Scott, Holman and Knoblauch.

The President declared the question to be the adoption of the amendment by Senator Gardner.

## ROLL CALL

The Secretary called the roll, and the amendment was adopted by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Holman, Huntley, Keefe, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Ridder, Scott, Stender, Twigg, Whetzel, Wilson—29.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Henry, Herr, Jolly,

Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Stortini, Talley, Walgren, Washington, Woodall-19.

Excused: Senator Durkan-1.

Senator Washington moved adoption of the following amendment to the title:

On page 1, line 1 of the title, after "government;" insert "creating a new division in the office of superintendent of public instruction;"

#### POINT OF INQUIRY

Senator Stender: "Senator Washington, would you yield? When you are creating this new division, won't that do away with the savings you have contemplated?"

Senator Washington: "It would be absolutely essential that we have the new division or we could not carry it out at all, Senator."

Senator Stender: "That was not the question. Is not this going to do away with that savings you contemplated under these plans?"

Senator Washington: "I would not believe that it would. It is necessary that these basic plans be established. We are not actually creating a new division. This division is in existence in the superintendent's office at the present time. It has been functioning for a long time at the direction, and was organized by the superintendent of public instruction. We thought that it was a statutory division. Then we checked the statutes and found that it was not a statutory division so in order to make it official, we did create it in this bill although it has been functioning for a long time. This is the division that supervises the construction of school buildings over the entire state and has been doing so for many years."

Senator Stender: "This is not going to be for free, will it, Senator? This is going to cost a lot of money. You know when you set up new divisions what that runs into? Have you any idea how much is involved with that kind of approach?"

Senator Washington: "It is very possible that the cost of developing the system components plan could cost somewhere up to two hundred thousand dollars in order to establish the plan and to get them moving. Now this is a cost, there is no doubt about it. Much of the cost, of course, which is done here will result in savings as it has done in the other areas that have tried it."

The motion carried and the amendment to the title was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 109 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 Holman: "Will Senator Washington yield? Senator, did I understand you correctly a little while ago to say that the bidding agency under paragraph 6 on page 2 of the bill will be the superintendent of public instruction?"

Senator Washington: "Yes, and through the school plant facilities division."

Senator Holman: "Then the contracts that are signed with the suppliers and contractors for these components would be with the state of Washington?"

Senator Washington: "Yes, they would be."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 109, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Voting nay: Senator McDougall-1.

Absent or not voting: Senator Lewis-1.

Excused: Senator Durkan-1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 109, having received the constitutional 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 12:40 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

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

## REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE JOINT RESOLUTION NO. 36, ratifying the eighteen-year-old voting rights amendment to the federal Constitution (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Donohue, Dore, Greive, Holman, Keefe, Mardesich, Matson, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

## MOTION

Senator Greive moved that the Committee on Rules and Joint Rules be relieved of consideration of Senate Joint Resolution No. 36, that the rules be suspended and the resolution be advanced to second reading.

Debate ensued.

## MOTION

At 1:55 p.m., on motion of Senator Greive, the Senate was declared to be at ease subject to the call of the President.

The President called the Senate to order at 2:10 p.m.

## REPORT OF STANDING COMMITTEE

March 18, 1971.

HOUSE BILL NO. 878, making an appropriation for publication of the session laws (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gissberg, Herr, Lewis, Mardesich, Odegaard, Peterson (Ted), Ridder, Stortini, Twigg, Woodall.

On motion of Senator Atwood, the rules were suspended, House Bill No. 878 was advanced to second reading and read the second time in full.

On motion of Senator Atwood, the rules were suspended, House Bill No. 878 was advanced to third reading, the second 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. 878, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—46.

Absent or not voting: Senators McCutcheon, Whetzel—2.

Excused: Senator Durkan—1.

HOUSE BILL NO. 878, having received the constitutional majority, 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. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

The Senate resumed consideration of Senate Bill No. 485 and the following pending amendment by Senator Scott:

On page 4, section 8, line 17, strike "No other business shall be considered" and insert "Final disposition shall not be taken on any other matter"

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

#### MOTION

Senator McDougall moved that Senate Bill No. 485 be referred to the Judiciary Committee.

Debate ensued.

#### MOTION

At 2:30 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, March 19, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, March 19, 1971.

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 Durkan and Stortini. On motion of Senator Odegaard, Senator Stortini was excused. On motion of Senator Knoblauch, Senator Durkan was excused.

The Color Guard, consisting of Pages Marty Miller, Color Bearer, and Susan Ridder, presented the Colors. Reverend Charles Howard Perry, rector of St. John's Episcopal Church of Olympia, offered prayer as follows:

"O God, come as the fire of the spirit and burn until our hearts are filled with love for Thee; come as the spirit of truth and expand our minds until they encompass Your majesty; come as the word of the spirit and quicken our wills that they may be freely given to serve Thee; come as the way, the truth and the life to lead us into Your peace and Your joy. Our Heavenly Father, guide the members of this Senate as they deliberate this day in the work committed into their hands and minds by the people of this state. Grant them an awareness of the trust they hold on behalf of us all, and give them a sound judgment in all that they do, that our common life may be ordered in peace and justice for all people, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 18, 1971.

HOUSE BILL NO. 215, providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Vice Chairman; Canfield, Holman, Mardesich, Matson, Metcalf, Stender, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senators McCutcheon, Chairman; Donohue, Dore, Greive.

Passed to Committee on Rules and Joint Rules for second reading.

## LETTER OF INFORMATION

March 18, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Senate Revenue and Taxation Committee into the full committee of Ways and Means.

SENATE BILL NO. 258: Board of Equalization; transfer of powers.

SENATE BILL NO. 819: Hops in transit, tax exemption.

Sincerely,  
HUBERT F. DONOHUE, Chairman,  
Committee on Revenue and Taxation.

## MESSAGES FROM THE HOUSE

March 18, 1971.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 254,  
 ENGROSSED HOUSE BILL NO. 278,  
 ENGROSSED HOUSE BILL NO. 384,  
 HOUSE BILL NO. 391,  
 ENGROSSED HOUSE BILL NO. 398,  
 ENGROSSED HOUSE BILL NO. 414,  
 ENGROSSED HOUSE BILL NO. 431,  
 HOUSE BILL NO. 477,  
 HOUSE BILL NO. 492,  
 ENGROSSED HOUSE BILL NO. 495,  
 ENGROSSED HOUSE BILL NO. 564,  
 HOUSE BILL NO. 634,  
 HOUSE BILL NO. 676,  
 HOUSE BILL NO. 705,  
 HOUSE BILL NO. 706,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 18, 1971.

Mr. President: The House has passed:  
 ENGROSSED SENATE BILL NO. 737,  
 ENGROSSED SENATE BILL NO. 738,  
 ENGROSSED SENATE BILL NO. 739,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 737,  
 SENATE BILL NO. 738,  
 SENATE BILL NO. 739.

## MESSAGES FROM THE HOUSE

March 19, 1971.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 737,  
 SENATE BILL NO. 738,  
 SENATE BILL NO. 739,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 19, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 878, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 19, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## POINT OF INQUIRY

Senator Huntley: "Would Senator Twigg yield? Senator, as memory serves me, the Seattle World's Fair issued gold free passes to all the members of the legislature, to all of the concessions and one thing and another. I assume this is forthcoming now. I would not have brought this up before we voted on it, but since we have already voted on it, I am just wondering what your position is."

Senator Twigg: "Now that the bills have passed both the House and the Senate, I can assure you, Senator Huntley, and all of the rest of you, even the 'no' voters, that you will have free passes to the World's Fair in 1974 in Spokane."

## PRESIDENT'S REMARKS

The President: "Senator Huntley, the President should like to express a remark to the effect that we hope the gold pass of Expo '74 will not be like the gold pass for the World's

Fair in Seattle. That one and two dollars would get you in any time you wanted to go. Is that not right, Senator Foley?"

Senator Foley: "That is correct."

The Senate resumed consideration of Engrossed Senate Bill No. 380, the message from the House and pending amendment thereto.

#### MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Engrossed Senate Bill No. 380.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 380, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senator Newschwander—1.

Absent or not voting: Senator Andersen—1.

Excused: Senators Durkan, Stortini—2.

ENGROSSED SENATE BILL NO. 380, 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 Day, Engrossed Senate Bill No. 380, as amended by the House, was ordered immediately transmitted to the House.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 864, by Senators Ridder, Bailey, Stortini and Walgren:

An Act relating to unemployment compensation; excluding certain federal pensions from classification as remuneration; and amending section 19, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.323.

Referred to Committee on Labor and Industrial Insurance.

#### MOTION

On motion of Senator Ridder, the rules were suspended and Senator Walgren was added as a sponsor to Senate Bill No. 864.

SENATE BILL NO. 865, by Senators Elicker, Talley, Clarke and Greive:

An Act relating to counties; and adding a new section to Title 36 RCW.

Referred to Committee on Cities, Towns and Counties.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 865.

SENATE BILL NO. 866, by Senators Ridder, Clarke and Bailey:

An Act relating to state institutions; amending section 72.33.180, chapter 28, Laws of

1959 as last amended by section 2, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.180; and declaring an emergency.

Referred to Committee on Public Institutions.

SENATE BILL NO. 867, by Senators Stortini, Mardesich, Bailey, Twigg and Stender:

An Act relating to public employment, including leave for certain officials and employees; amending section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter . . . (HB No. 18), Laws of 1971 and RCW 28A.58.100; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; creating new sections; and amending section 7, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.551.

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 867.

ENGROSSED HOUSE BILL NO. 254, by Representatives Bluechel, Perry and Kraabel (by Secretary of State request):

Raising secretary of state fees for searches and copies for corporate filings.

Referred to Committee on State Government.

President Pro Tempore Henry assumed the Chair.

ENGROSSED HOUSE BILL NO. 278, by Representatives Hansey, Conner and Kraabel (by departmental request):

Directing a study of local government units.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 384, by Representatives Beck, Wanamaker, Berentson and Amen (by departmental request):

Providing witness fees for state patrol.

Referred to Judiciary Committee.

HOUSE BILL NO. 391, by Representatives Amen, Moon, Goldsworthy and Copeland:

Authorizing the sale, lease, or exchange of certain properties by Washington State University.

Referred to Committee on Higher Education and Libraries.

ENGROSSED HOUSE BILL NO. 398, by Representatives Charnley, Cunningham and Douthwaite (by departmental request):

Providing for a study of scenic recreational state highways.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 414, by Representatives Paris, McDermott, Zimmerman and Charette (by Joint Committee on Governmental Cooperation and departmental request):

Placing children in agencies according to interstate compact.

Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 431, by Representatives Bluechel, Charnley and Cunningham (by Secretary of State request):

Establishing fee schedule for search requests.

Referred to Committee on State Government.

HOUSE BILL NO. 477, by Representatives Thompson, Zimmerman, Brouillet and Berentson:

Providing needed capital for investment in natural resource management on granted lands and second class tide and shorelands.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 492, by Representatives Bluechel, Charette and Brown (by departmental request):  
 Providing for abolishment of the administrative board.  
 Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 495, by Representatives Gallagher, Copeland and King (by departmental request):  
 Providing for the regulation of water well construction.  
 Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 564, by Representatives Julin, Bottiger and Moon:  
 Relating to materialmen's and mechanics' liens and registered or licensed contractors or subcontractors.  
 Referred to Judiciary Committee.

HOUSE BILL NO. 634, by Representatives Paris, Conner, Benitz and Adams:  
 Relating to the coordinating council for occupational education.  
 Referred to Committee on Higher Education and Libraries.

HOUSE BILL NO. 676, by Representatives Benitz, Kilbury and Van Dyk:  
 Licensing of commercial feed lots and identification of cattle therein.  
 Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO. 705, by Representatives Amen, Haussler, Copeland, Moon, Bledsoe and Bozarth:  
 Amending certain regulations of public livestock markets and powers of director of agriculture.  
 Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO. 706, by Representatives Flanagan, Amen, Haussler, Benitz, Bozarth and Kilbury:  
 Amending certain regulations of commission merchants.  
 Referred to Committee on Agriculture and Horticulture.  
 On motion of Senator Woodall, the following resolution was adopted:

SENATE RESOLUTION 1971-EX-34

By Senators Henry, Woodall, Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel and Wilson:

WHEREAS, The death on March 15, 1971, of Thomas E. Dewey, three times Governor of New York and twice the Republican Presidential candidate, has been a great loss to the people of the entire nation; and

WHEREAS, Governor Dewey distinguished himself in early years as a successful prosecutor of racketeers; and

WHEREAS, Governor Dewey provided active leadership of the Republican Party for many years during the 1940's and 1950's long having been a supporter of the late General Dwight D. Eisenhower and more recently an informal advisor to President Richard M. Nixon; and

WHEREAS, The death of Governor Dewey is not only a loss to the Republican Party but to the entire nation as well;

NOW, THEREFORE, BE IT RESOLVED, That the Senate mourns the loss to the nation of this great statesman and leader, and extends its most sincere sympathy to the two sons of Governor Dewey, who survived their father.

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send copies of this Senate Resolution to Thomas E. Dewey, Jr. of Chicago and John Dewey of New York.

President Cherberg resumed the Chair.

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

## SENATE RESOLUTION: 1971-EX-35

By Senators Knoblauch and Woodall:

WHEREAS, H. N. (Barney) Jackson served the State of Washington as state senator representing the twenty-ninth district in Pierce county for eighteen years; and

WHEREAS, During his service to his state he was instrumental in passing bills which provided state regulation and protection of our fisheries resources and also which provided for state teachers' retirement, the Marine Drive highway, the Hylebos and Narrows bridges, the Tacoma Vocational School, the Pierce county Sanatorium, firemen's relief, good working conditions for railroad employees, and funds for schools and ports; and

WHEREAS, This man through his personal efforts helped enrich the lives of many of the citizens of this state; and

WHEREAS, The death of Senator H. N. (Barney) Jackson on March 18th of this year, his sixty-seventh birthday, was a loss to everyone in the State of Washington; and

WHEREAS, His dedicated service and unselfish concern for his State and its citizens should be recognized by this Senate and by the citizens of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate mourns the loss to this state of one of its finest citizens and extends its most sincere sympathy to his wife, Katherine, who resides at home at 5625 South J Street in Tacoma, Washington.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the widow of H. N. (Barney) Jackson.

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

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 878.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 31, by Representatives Bledsoe and Sawyer:

Adopting cut-off dates for introduction and consideration of bills.

Referred to the Committee on Rules and Joint Rules.

## SECOND READING

SENATE BILL NO. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

The Senate resumed consideration of Senate Bill No. 485 and the pending motion by Senator McDougall to refer Senate Bill No. 485 to the Judiciary Committee.

## MOTIONS

There being no objection, Senator McDougall withdrew his motion.

On motion of Senator Greive, Senate Bill No. 485 was ordered held on the second reading calendar for Wednesday, March 24, 1971.

## PERSONAL PRIVILEGE

Senator Bailey: "On a point of personal privilege. Last year when North River High School came to Olympia, I asked the superintendent if this was the senior class and he said, 'No, Senator, this is the whole student body.'

"I want Senator Ridder to note that this is one of the truly remote and necessary districts in the state of Washington and it has quality education. I think, Mr. Superintendent, it is the whole high school student body. Thank you very much."

SENATE BILL NO. 317, by Senators Metcalf, Dore and Peterson (Ted):

Denying state reimbursement to school districts for certain compulsory bussing.

## MOTION

Senator Greive moved that Senate Bill No. 317 be ordered held on the second reading calendar for Tuesday, March 23, 1971.

Debate ensued.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Fleming yield? What bill was held three weeks for me?"

Senator Fleming: "I think that you were holding it for a different reason. I can find the number of that bill but I think you were holding it because you did not have enough votes at that time."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Greive yield? Senator, you say Senator Durkan cannot be here on Monday?"

Senator Greive: "Tuesday will be the day he will be here."

Senator Woodall: "Then, can we have an understanding now that everyone knows that it is going to be on Tuesday and we get no additional continuances and if anyone is absent the word is out and we cannot . . ."

Senator Greive: "We will vote on that even if Senator Dore is not here."

The President declared the question before the Senate to be the motion by Senator Greive to hold Senate Bill No. 317 on the second reading calendar for Tuesday, March 23, 1971.

Senator Dore demanded a roll call and the demand was sustained by Senators Metcalf, Stender, Scott, Peterson (Ted), Francis, Lewis, Atwood, Andersen and Murray.

## ROLL CALL

The Secretary called the roll, and the motion carried by the following vote: Yeas, 35; nays, 11; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Herr, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Sandison, Stender, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—35.

Voting nay: Senators Dore, Francis, Guess, Holman, Lewis, Metcalf, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Talley—11.

Absent or not voting: Senator Henry—1.

Excused: Senators Durkan, Stortini—2.

Senate Bill No. 317 was ordered to hold its place on the second reading calendar for Tuesday, March 23, 1971.

## MOTION

Senator Greive moved that Senate Joint Resolution No. 22 be ordered held on the second reading calendar for Monday, March 22, 1971.

## POINT OF INQUIRY

Senator Scott: "Mr. President, would Senator Greive yield? Senator, I wonder if I could have the same sort of assurance you gave Senator Woodall on the bill he questioned. Senate Joint Resolution No. 22 has been on the calendar now for at least two weeks. It has been set over at least a half a dozen times. I think that whatever else it is, it is at best questionable procedure to have a bill on the calendar that long and be waiting around until one sorts out enough votes. Now some of us view that measure in a way different than you do and we would like to have an opportunity to have the measure settled."

Senator Greive: "My attitude in that is far different. It happens that Senate Joint Resolution No. 22 needs a two-thirds majority. We have always had a majority. There has never been a time in this party we did not have a majority. I have always felt that in any kind of an argument we would have the majority. We simply did not have the two-thirds and

it seems to me that the majority should have the right to do anything they want with a piece of legislation.

"Now I have no knowledge as to how many votes Senate Bill No. 485 has but quite obviously any time you have something recommended by the legislative council, fully and completely endorsed by the Governor and by the industrial leaders of the state of Washington, it may be right or it may be wrong but I think it is in a little different category."

The motion by Senator Greive carried. Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Monday, March 22, 1971.

#### MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SECOND READING

SENATE BILL NO. 110, by Senators Peterson (Ted), Knoblauch and Lewis:  
Declaring a policy relative to steelhead trout.

The bill was read the second time by sections.

On motion of Senator Peterson (Ted), the rules were suspended, Senate Bill No. 110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### MOTIONS

Senator Peterson (Lowell) moved that Senate Bill No. 110 be held on the third reading calendar for Tuesday, March 23, 1971.

Debate ensued.

There being no objection, Senator Peterson (Lowell) withdrew his motion.

Senator Fleming moved that Senate Bill No. 110 be made a special order of business for 2:00 p.m. today.

Debate ensued.

On motion of Senator Gissberg, the motion by Senator Fleming was amended that the Senate would continue in session until completion of the action on Senate Bill No. 110.

The motion by Senator Fleming as amended by Senator Gissberg carried. Senate Bill No. 110 was made a special order of business for 2:00 p.m. today.

SUBSTITUTE SENATE BILL NO. 16, by Committee on Constitution, Elections and Legislative Processes:

Providing the powers of initiative and referendum to county electors.

The Senate resumed consideration of Substitute Senate Bill No. 16 on second reading.

On motion of Senator Atwood, the following amendment by Senators Atwood, Walgren and Wilson was adopted:

On page 1, section 2, line 16, after "than" strike "twelve" and insert "twenty-five"

Senator McDougall moved adoption of the following amendment:

On page 1, section 2, line 20, after "shall" strike rest of line 20, lines 21-23 down to but not including "on" on line 23 and insert "place the proposed ordinance or resolution"

Debate ensued.

The motion lost and the amendment was not adopted.

On motion of Senator Atwood, the following amendment was adopted:

On page 2, section 4, line 24, after "Within" strike "fifteen" and insert "forty-five"

On motion of Senator Atwood, the following amendment by Senators Atwood, Walgren and Wilson was adopted:

On page 4, section 13, line 24, after "than" strike "six" and insert "twenty-five"



On motion of Senator Atwood, the rules were suspended, Engrossed Substitute Senate Bill No. 16 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: "Mr. President would Senator Atwood yield to a question? Senator, does this mean then that the county-wide tax would not go into effect if the county commissioners initiated it? They would still have the opportunity of referendum?"

Senator Atwood: "They would if they did not put an emergency clause like any other body."

#### POINT OF INQUIRY

Senator Gissberg: "Would Senator Atwood yield? Senator, let us assume that the people of a county were dissatisfied with the amount of mills that was being levied on the property tax in view of the doubling, tripling and quadrupling of the valuation and that the people thought there was too much money being expended in the county. By this device, could the citizenry reduce the millage that was the subject matter of the levy and the property tax?"

Senator Atwood: "It may be possible. I could not answer that. I do not know whether the commissioners have the power to adjust the millage. They do not do that by ordinance or resolution."

#### POINT OF INQUIRY

Senator Washington: "Will Senator Atwood yield? Senator, I have forgotten the number of signatures required when an initiative and a referendum are acted on or presented in a city. Could you give me those numbers?"

Senator Atwood: "It depends on the city. The charter cities have different provisions. Most of the big cities have twelve and six and I think the optional municipal code may have the same figure. I think some of them do have twenty, twenty-five. They vary from city to city. Senator Walgren probably could tell you what the optional municipal code has in it. This bill was a copy of that, primarily."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 16, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—41.

Voting nay: Senators Bailey, Guess, Stender, Woodall—4.

Absent or not voting: Senators Dore, McCutcheon—2.

Excused: Senators Durkan, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 16, having received the 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

SENATE BILL NO. 110, by Senators Peterson (Ted), Knoblauch and Lewis:  
Declaring a policy relative to steelhead trout.

The Senate resumed consideration of Senate Bill No. 110 on third reading.

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Washington yield? Senator, I know you mentioned

many of these Indians that you have talked to and many of the Indians that you are friends with. Is this the majority of the Indians or are these the Indians that are nice little Indians and stay in their place or the ones that are demanding their equal rights?"

Senator Washington: "I think it is a little hard to determine. The ones I am particularly talking about are the Wanapum Indians who have never signed a treaty with the white man and have refused to go on any reservation of the white man, perhaps they have not fought the white man and a part of their basic religion is a refusal to adopt the ways of the white man. They do fish in the Columbia river. They do fish in the Yakima river but they use spears, they use dip nets, they use tackle. They use the basic old methods of fishing. They do not use nets and motor boats."

#### POINT OF INQUIRY

Senator Day: "Would Senator Gissberg yield? Senator, will this bill in any way affect any litigation that I understand is in process?"

Senator Gissberg: "I really cannot answer that question. I am not aware that it would, but on the other hand I am not specifically informed that there is any."

Senator Day: "The next question, Senator Gissberg, is it possible that this would actually protect future Indian fishing in any way?"

Senator Gissberg: "In my judgment it does, simply because it would assure of the fact that gill netting is not allowed on off-reservation fisheries and to the extent that you assume that if this off-reservation fishery continues and is abused to the extent that that would deplete the run, yes. Then of course it would be of long range benefit to the Indians themselves."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 110, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Nenschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Fleming, Francis, Ridder, Sandison—4.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Stortini—2.

SENATE BILL NO. 110, having received the constitutional 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, Senate Bill No. 465 was ordered to hold its place on the second reading calendar for Monday, March 22, 1971.

SENATE BILL NO. 203, by Senators Donohue, Walgren, Woodall and Canfield:  
Providing appeals from board against discrimination hearings by political subdivisions.

#### REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 203, providing appeals from board against discrimination hearings by political subdivisions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

After the enacting clause, strike the remainder of the bill and insert "Section 1. The following act is repealed: Section 25, chapter 37, Laws of 1957 and RCW 49.60.300."

In line 1 of the title, after the semicolon strike all of the material down to and including "RCW" on line 2 and insert "and repealing section 25, chapter 37, Laws of 1957 and RCW 49.60.300"

Signed by: Senators Gissberg, Chairman; Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

Senator Gissberg moved adoption of the first committee amendment.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Gissberg yield? Senator, in the first place your amendment would, in effect, do the same thing as the proposed bill. Is that correct?"

Senator Gissberg: "Yes."

Senator Canfield: "My second question is, what right has this administrative procedures board to make such a ruling which appears to be illegal? At least to one not trained in law. How can you deny by resolution an appeal to the court?"

Senator Gissberg: "You are talking about existing law now. The existing law does in deed and in fact prohibit in the discrimination area at least, an appeal to orders issued against a political subdivision by that political subdivision. I think the legislature had that authority and has the authority to tell a political subdivision when it can and when it cannot appeal from anything. In other words, if we have the power to create the political subdivision, we also have the power to abolish all political subdivisions of the state of Washington. Clearly if we have that very broad power, we have the power to deny them an appeal. However, we are now saying that we want to give the political subdivision the right of appeal."

Senator Canfield: "Senator, you are no doubt right but I still do not quite follow the reasoning that we can deny any citizen the right of appeal. If he feels that he is aggrieved, do we have a right to deny an appeal?"

Senator Gissberg: "No, I doubt that we do insofar as a citizen's right of redress to a court is concerned. I doubt that we do."

The motion carried and the first committee amendment was adopted.

Senator Fleming moved adoption of the following amendment:

On page 1, following section 1 add the following new section:

"NEW SECTION. Sec. 2. There is added to chapter 270, Laws of 1955 as amended by chapter 37, Laws of 1957 and RCW 49.60 a new section to read as follows:

From and after the effective date of this act the 'Washington State Board Against Discrimination' shall be known and designated as the 'Washington State Human Rights Commission'."

Debate ensued.

#### POINT OF ORDER

Senator Stender: "I am no constitutional lawyer but I just thought our Constitution said that we could only have one subject in a bill. Does this enlarge the scope of the bill? I would raise that point of order because of this amendment."

#### PRESIDENT'S RULING

The President: "The President believes that the point of order by Senator Stender is not well taken, that the amendment does not enlarge upon the scope and object of the measure."

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

On motion of Senator Gissberg, the committee amendment to the title was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 203 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. 203, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Durkan, Stortini—2.

ENGROSSED SENATE BILL NO. 203, having received the 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 Greive, Senate Bill No. 182 was ordered placed at the beginning of the second reading calendar for Monday, March 22, 1971.

At 2:35 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Monday, March 22, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### ELEVENTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, March 22, 1971.

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 Durkan, Gissberg, Lewis, Sandison, Whetzel and Woodall. On motion of Senator Foley, Senators Durkan and Gissberg were excused. On motion of Senator McDougall, Senators Lewis, Whetzel and Woodall were excused.

The Color Guard, consisting of Pages Scott Wilson, Color Bearer, and Diane Fuller, presented the Colors. Father Dennis A. Wood, associate pastor of St. Michael's Catholic Church of Olympia, offered prayer as follows:

"Let us pray . . . Father give us the wisdom we need to consider the legislation that is before us today. Help us to be aware of the needs of the people of the state. Give us patience to listen to one another and courage to stand up for our convictions. Amen."

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

#### REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 27, providing life insurance for law enforcement officers and firefighters killed in line of duty (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: That Substitute Senate Bill No. 27 be substituted therefor and the substitute bill do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Fleming, Herr, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren.

March 17, 1971.

## MOTION

On motion of Senator Connor, Senate Bill No. 27 was referred to the Committee on Ways and Means—Appropriations.

March 18, 1971.

SENATE BILL NO. 164, providing for the undergrounding of utility wiring (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 19, 1971.

SENATE BILL NO. 170, providing for licensing of motels and hotels (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 373, providing for bidding on certain public works of state institutions of higher education and port districts (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Huntley, Lewis, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 383, implementing law relating to community college bonding authority (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

SENATE BILL NO. 594, defining "resident" and "non-resident" for college and university fee purposes (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 19, 1971.

SENATE BILL NO. 686, making various changes in the industrial insurance law of this state (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

ENGROSSED HOUSE BILL NO. 353, pertaining to refunds for non-highway use of fuel (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Foley, Guess, Herr, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stender.

Passed to Committee on Rules and Joint Rules for second reading.

March 19, 1971.

ENGROSSED HOUSE BILL NO. 491, mandating state board of education to implement, by rule or regulation, vocational education programs in school districts (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 19, 1971.

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

I have the honor to advise that Governor Evans has approved the following Senate Bills, entitled:

SENATE BILL NO. 737: Creating a commission for Expo '74; authorizing bonds and construction.

SENATE BILL NO. 738: Relating to the filing and licensing of business corporations.

SENATE BILL NO. 739: Pertaining to the acquisition of land and the construction and use of a state building in the city of Spokane.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

### MESSAGES FROM THE HOUSE

March 19, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 115,

HOUSE BILL NO. 707,

HOUSE BILL NO. 759,

HOUSE BILL NO. 765,

ENGROSSED HOUSE BILL NO. 766,

ENGROSSED HOUSE JOINT MEMORIAL NO. 9,

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 20, 1971.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 49,

ENGROSSED SENATE BILL NO. 56,

ENGROSSED SENATE BILL NO. 151,

SENATE BILL NO. 172,

SENATE BILL NO. 302,

ENGROSSED SUBSTITUTE SENATE BILL NO. 352,

SENATE BILL NO. 496,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 20, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 343,

ENGROSSED HOUSE BILL NO. 373,

ENGROSSED HOUSE BILL NO. 480,

ENGROSSED HOUSE BILL NO. 490,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553,

ENGROSSED HOUSE BILL NO. 643,

ENGROSSED HOUSE BILL NO. 930,

HOUSE BILL NO. 1034,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE BILL NO. 868, by Senator Mardesich:

An Act relating to banking; and amending section 30.04.300, chapter 33, Laws of 1955 and RCW 30.04.300.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 869, by Senators Ridder and Herr:

An Act relating to domestic relations; and adding a new section to chapter 215, Laws of 1949 and to chapter 26.08 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 870, by Senator Ridder:

An Act relating to the dissolution of marriages and proceedings relevant thereto; and adding a new section to chapter 215, Laws of 1949 and to chapter 26.08 RCW.  
Referred to Judiciary Committee.

SENATE BILL NO. 871, by Senators Woodall, Talley and Atwood:

An Act relating to local government; and creating a new section.  
Referred to Judiciary Committee.

SENATE BILL NO. 872, by Senator Francis:

An Act relating to school districts and their negotiations with certified personnel.  
Referred to Committee on Education.

HOUSE BILL NO. 115, by Representatives Charette, Curtis and Bagnariol:

Regulating persons holding agents' licenses issued by the Washington state liquor control board and who represent holders of certificates of approval.  
Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 343, by Representatives Pardini, Lysen and Kraabel:

Setting out U. S. history and state history requirement for the common schools.  
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 373, by Representative Copeland and Sawyer (by departmental request):

Increasing state patrol retirement benefits.  
Referred to Committee on Public Pensions and Social Security.

ENGROSSED HOUSE BILL NO. 480, by Representatives Thompson, Zimmerman and Harris (by departmental request):

Providing for the integration of regulatory programs of the department of ecology.  
Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 490, by Representatives Hoggins, Cunningham, Shera and Brouillet (by Superintendent of Public Instruction request):

Defining certain terms relating to vocational education.  
Referred to Committee on Higher Education and Libraries.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, by Committee on Social and Health Services:

Providing for comprehensive health planning.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 643, by Representatives Wanamaker, Mentor, Van Dyk, Berentson, Farr, Hansey and Costanti:

Altering certain judicial districts of the superior courts.  
Referred to Judiciary Committee.

HOUSE BILL NO. 707, by Representatives McDermott, Farr, Sawyer, Curtis and Bauer:

Providing that counties may transfer mental health funds to the state in order to obtain federal matching funds.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 759, by Representatives Wanamaker, Berentson and Bozarth:

Amending reporting and planning periods of urban arterial board.  
Referred to Committee on Transportation.

HOUSE BILL NO. 765, by Representatives Smythe, Haussler and Amen:  
 Providing for dates for county budget hearings.  
 Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 766, by Representatives Thompson and Smythe:  
 Removing a fire protection district commissioner for failure to attend meetings.  
 Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 930, by Representatives King, Wolf, Flanagan, Benitz, Hatfield and Lynch:  
 Seizing contraband cigarettes.  
 Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 1034, by Representatives Charette, Newhouse, Thompson and Zimmerman:  
 Providing for forest protection.  
 Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE JOINT MEMORIAL NO. 9, by Representatives Charnley and Williams (by Urban Affairs Council request):  
 Regarding unconventional automobile combustion systems.  
 Referred to Committee on Transportation.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, by Representatives North, Brouillet, Bledsøe, Brown, Charnley and Haussler:  
 Providing for a study on a state regional library system.  
 Referred to Committee on Higher Education and Libraries.  
 On motion of Senator Knoblauch, the following resolution was adopted:

#### SENATE RESOLUTION: 1971-EX-36

By Senators Knoblauch, Gardner, McCutcheon, Newschwander and Stortini:  
 WHEREAS, The Puyallup Valley Daffodil Festival is an annual attraction to thousands of Washington residents; and  
 WHEREAS, The Daffodil Festival signals the advent of springtime and directs our attention once again to the beauty which nature has bestowed upon us; and  
 WHEREAS, The theme of this thirty-eighth annual Daffodil Festival presents nature as our greatest heritage; and  
 WHEREAS, The Royal Court of this year's Puyallup Valley Daffodil Festival has come to Olympia and to this Senate to extend a gracious invitation to the people of the state of Washington to attend the festival to be held from March twenty-seventh through April fourth;  
 NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Royal Court, as representative of the residents of the Puyallup Valley area, be complimented for their efforts in organizing and presenting the festival for the enjoyment of the people of this state;  
 BE IT FURTHER RESOLVED, That the Senate urges everyone in this state to attend the thirty-eighth annual Puyallup Valley Daffodil Festival and join with the residents of that area in their traditional celebration of the arrival of spring,  
 Senator Knoblauch presiding.

#### APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg and the following were appointed to escort the Daffodil Valley royalty to a place of honor upon the rostrum: Senators Peterson (Ted), Newschwander, Stortini, McDougall, Fleming, Twigg, Canfield, Gardner, Mardesich, Lewis, Ridder, Matson, Washington and Representative Sawyer.

With leave of the Senate, business was suspended to permit the Queen Mother, Mrs. John P. Condon; Princess Colleen Sawyer; Senator Stortini, Senator Knoblauch and President Cherberg to address the Senate.

The committee of honor escorted the visitors from the Senate Chamber.  
 President Cherberg resumed the Chair.



## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of Dr. Kenneth Jernig, from the Iowa State Commission of the Blind and appointed Senators Stender, Bailey, Atwood and Day to escort the visitor to the rostrum.

With leave of the Senate, business was suspended to permit Dr. Jernig to address the Senate.

The committee of honor escorted the visitor from the Senate Chamber.

## SECOND READING

SENATE BILL NO. 182, by Senators Wilson, Elicker, Durkan, Henry, Bailey, Atwood, Day, Donohue, Gissberg, Stender, Odegaard, Peterson (Lowell), Fleming, Foley, Peterson (Ted), Cooney, Holman, McDougall, Twigg, Knoblauch, Guess, Keefe, Washington, Newschwander, Metcalf and Talley:

Authorizing the use of physicians' assistants.

## REPORT OF STANDING COMMITTEE

March 5, 1971.

SENATE BILL NO. 182, authorizing the use of physicians' assistants (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, following section 5, insert a new section to read as follows:

"NEW SECTION. Sec. 6. No health care services may be performed under this chapter in any of the following areas:

(a) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(d) Nothing in this section shall preclude the performance of routine visual screening.

(e) The practice of dentistry or dental hygiene as defined in Chapter 18.32 and 18.29 RCW respectively.

(f) The practice of chiropractic as defined in Chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

Remember the remaining section consecutively.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Keefe, Newschwander, Odegaard.

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 line 2 of subsection (e) after "respectively" insert "The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant."

The motion by Senator Day carried and the committee amendment, as amended, was adopted.

## POINT OF INQUIRY

Senator Wilson: "Would Senator Day yield to a question? Senator, is it the intent with respect to the amendments now under consideration to prohibit the physician's assistant such as the medics from doing routine visual screening or any other procedures that might be necessary in providing a person medical care or a physical examination?"

Senator Day: "In answer to your question, Senator Wilson, it is not the intent of the amendment in regard to vision to preclude the physician's assistant from doing routine testing of visual capacity such as the school nurse does or the cursory examination in the physician's office, etc. This would only preclude him from getting into the actual practice of optometry or ophthalmology."

On motion of Senator Day, the following amendment to the title was adopted:

On line 1 of the title, after "physician's assistants" insert "and osteopathic physician's assistants"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 182

was advanced to third reading, the second 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. 182, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Absent or not voting: Senators Elicker, McCutcheon—2.

Excused: Senators Dore, Durkan, Gissberg, Whetzel—4.

ENGROSSED SENATE BILL NO. 182, having received the 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 Stortini, the rules were suspended and Senator Stender was added as a sponsor to Senate Bill No. 867.

On motion of Senator McDougall, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Friday, March 26, 1971.

On motion of Senator Greive, Senate Joint Resolution No. 22 was ordered to hold its place on the second reading calendar for Tuesday, March 23, 1971.

#### PERSONAL PRIVILEGE

Senator Woodall: "Under a point of personal privilege, I would like the 4-H Club members seated in the gallery to know that as of 1930 I was State 4-H Club President."

#### SECOND READING

SENATE BILL NO. 465, by Senators Andersen and Greive (by departmental request): Amending certain provisions for pilotage on Puget Sound.

The Senate resumed consideration of Senate Bill No. 465.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 2, strike section 2 and renumber the remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Greive: "What Senator Mardesich talked about and as I read the amendment seems to me totally two different subjects. Are you sure you and I are talking about the same bill? Is this Senate Bill No. 465, the pilot bill?"

Senator Mardesich: "Right, section 2."

Senator Greive: "As I understood it, section 2, that where the ship is engaged entirely in service to Alaska that the provisions of this act does not apply."

Senator Mardesich: "This is the section that says all vessels under enrollment and all vessels engaged exclusively in the coasting trade, on the west coast of the continental United States and that includes Alaska. This is the exclusionary section. Now, what this would do would insert the words 'of the United States or Canadian registry' so that they would be the only vessels excluded from the operation of this law.

"Now if Alaska were to prevail in getting the Congress to enact a law authorizing them to use vessels constructed outside of the United States, those vessels would not be United States or Canadian registry."

Senator Greive: "Now the reason for this particular exclusion in the beginning as far as taking on a pilot, and that is what this is discussing, as I had always understood it was

because theoretically at least those on a regular run between Alaska and the state of Washington were people who generally had a pilot's license, a federal pilot's license, were familiar with the territory and traditionally had the exclusion. Now I cannot see any possible reason why for the amendment we would want to remove that exclusion. Then, if I read it correctly, all vessels, or no vessel would be exempt, or would all vessels be exempt? What is your theory?"

Further debate ensued.

### PARLIAMENTARY INQUIRY

Senator Andersen: "I am not certain this is a proper parliamentary inquiry but I would address the Chair, or the President's attorney perhaps as to a ruling as to whether or not the effect of this amendment by Senator Mardesich, if it were adopted, be to strike out the existing portion of the law; that is, section 2 of this particular bill or would the effect of the amendment be just to delete the new language that this would put through. I would like to have that clear for the record before we vote on it."

### MOTION

At 12:30 p.m., on motion of Senator Greive, 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 McDougall, Senator Murray was excused.  
On motion of Senator Keefe, Senator Cooney was excused.

### SECOND READING

SENATE BILL NO. 465, by Senators Andersen and Greive (by departmental request):  
Amending certain provisions for pilotage on Puget Sound.

The Senate resumed consideration of Senate Bill No. 465, the pending amendment by Senator Mardesich and parliamentary inquiry by Senator Andersen.

### RULING BY THE PRESIDENT

The President: "Senator Mardesich's amendment strikes section 2 of Senate Bill No. 465. This section amends the code by adding the words '*of United States or Canadian registry*'. If Senator Mardesich's amendment is adopted it will eliminate the amendatory words in the section and RCW 88.16.070 will remain as it now appears in the code."

### MOTION

On motion of Senator Andersen, Senate Bill No. 465 and the pending amendment by Senator Mardesich were ordered placed at the end of the second reading calendar for today.

SENATE BILL NO. 515, by Senators Lewis, Jolly and McDougall:  
Clarifying property tax exemption for nursery stock.

The bill was read the second time by sections.

On motion of Senator Holman, the following amendment was adopted:

On page 1, section 1, line 21 after "nurserymen," strike all the remaining language down to and including "land" on line 22 and insert "*which is owned by the original producer thereof or which has been held or possessed by the nurserymen for 180 days or more, shall, whether personal or real property, be considered the same as [other] growing crops on cultivated lands: PROVIDED, That the nurserymen be licensed by the department of agriculture.*"

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No.

15 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. 515, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Absent or not voting: Senators McCutcheon, Peterson (Lowell), Sandison—3.

Excused: Senators Cooney, Dore, Durkan, Gissberg, Whetzel—5.

ENGROSSED SENATE BILL NO. 515, having received the 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. 49,  
SENATE BILL NO. 56,  
SENATE BILL NO. 151,  
SENATE BILL NO. 172,  
SENATE BILL NO. 302,  
SUBSTITUTE SENATE BILL NO. 352,  
SENATE BILL NO. 380,  
SENATE BILL NO. 496.

## SECOND READING

SENATE BILL NO. 629, by Senators Henry, Washington and Huntley:

Providing for the emergency protection and restoration of highways.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 629 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: "Senator Henry, would you yield? Senator, I am not much of an expert in terms of the bids that are let out by the highway department. If you do not have published the bid and you receive three bids, how do these individual firms know about these bids being let?"

Senator Henry: "I will defer to Senator Guess but it is my understanding that there is a group of contractors that are already certified with the state highway commission, but Senator Guess can answer that more fully."

Senator Guess: "Senator Fleming, the highway department maintains a list of prequalified contractors and in order to prequalify, the contractor has to show that (1) he has a sufficient staff with the skills to do the work and (2) he has to supply the highway department with a financial statement so the highway department knows that he has the capability of financing the work until he gets his payment."

Senator Fleming: "So in other words, those that are on this list, all of those members would be notified and not just a few?"

Senator Guess: "No. The contractors closest to the area, those with the equipment that are available and capable of doing the job."

## POINT OF INQUIRY

Senator Atwood: "Would Senator Henry yield? Senator, in section 4, line 27, there is a word there that says that the contractors may be required to furnish a bid deposit or

performance bond. Is there any law now in effect that allows the highway department discretion on calling for a performance bond?"

Senator Henry: "All bids that I know of, particularly on the municipal level I know that is true and I think it is on the state level, Senator."

Senator Atwood: "This is a departure then, allowing the department discretion to do away with performance bonds?"

Senator Henry: "If they are already prequalified contractors and they have the ability and the financial background to do it, and this is a presumption on my part, that because they take the ones most qualified, the closest to the emergency area and rather than make them go through the delay of several days for a bonding procedure, immediately let them go to work."

"Now in my particular company where we have to put up bonds with the highway department for doing construction, burying cables and so forth alongside of highways, in place of doing it for each individual job, we worked out a deal with the state and my company is large enough that we maintain a performance bond the year around to take care of any jobs that might come up."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Washington care to enlarge on the answer by Senator Henry?"

Senator Washington: "It is difficult for them to know the amount of work that is going to be done on that basis and in that event a bond would not have to be used. I believe also when you are in an emergent situation this particular law does cut across the overall bidding law and sometimes the matter of bonding could be a very difficult thing to try to arrange in a hurry. I think under those circumstances we have given the highway department some discretion in this matter."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 629, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Cooney, Dore, Durkan, Gissberg, Whetzel—5.

SENATE BILL NO. 629, having received the 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. 188, by Senators Walgren, Andersen, Ridder and Day:  
Establishing physician's trained mobile intensive care paramedics.

#### REPORT OF STANDING COMMITTEE

March 5, 1971.

SENATE BILL NO. 188, establishing physician's trained mobile intensive care paramedics (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6, strike all of Section 2 and insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

As used in section 1 of this 1971 amendatory act, "physician's trained mobile intensive care paramedic" means a person who:

(1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the Division of Safety, Department of Labor and Industries; and

(2) is trained by a licensed physician:

(a) to carry out all phases of cardio-pulmonary resuscitation;

(b) to administer drugs under written or oral authorization of a licensed physician;

and

(c) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the University of Washington's School of Medicine or by their designated representatives."

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Keefe, Newschwander, Odegaard.

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. 188 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: "Mr. President, would Senator Day yield to a question? Senator, does this bill or the amendment that has just been placed on the bill have any effect at all upon the local ambulance services as we know them today in many of the volunteer fire districts? Does it change the qualifications of those volunteer firemen in regard to ambulance services?"

Senator Day: "It authorizes anyone who has qualified by this minimal requirement to perform these services. Now presently a lot of people have been performing such services who really have no qualifications. As I understand the law, and I am not a lawyer, in an emergency anyone can do just about anything and not necessarily have to be legally licensed so to do. I feel that what this will do is to allow for some very fundamental knowledge on the part of people who qualify under this and it is not too difficult to qualify; to provide these services with possibly a little higher grade of understanding of what they are doing."

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Day yield further? Senator, to pursue Senator Odegaard's question, there has been a bill or proposal floating around somewhere which in terms of the equipment required of ambulances and the training required of the operators thereof would make it somewhat difficult to retain the present form of volunteer ambulance services in rural areas. My question is whether or not this is that bill and if it is not, to repeat Senator Odegaard's query, would this in any significant way make it more difficult to continue operating volunteer ambulances in rural areas as they are presently operated?"

Senator Day: "Senator, in answer to your question, I believe that the amendment that the committee placed on this bill allows, and let us read the section: 'As used in section 1 of this 1971 amendatory act, physician's trained mobile intensive care paramedic means a person who: (1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the Division of Safety, Department of Labor and Industries; and in other words he can also be accredited this way (2) is trained by a licensed physician'. Dr. Bratwood in your area could do this. '(a) to carry out these three phases'.

"So it provides the vehicle for the people in voluntary fire fighting and for the people who operate ambulance services in a small community to have their people become qualified under this act and makes it very easy for them to do so."

Senator Wilson: "In other words then, the personnel involved in these ambulances could receive their training from a local doctor. Is that correct?"

Senator Day: "That is exactly what it says. It continues on '(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the University of Washington's School of Medicine or by their designated representatives'. So your county health officer could designate a representative who had specific training. For example, a fire fighter from a first class district could come out if he had this training and was certified by your county health officer or the University of Washington and could put on this course for them to certify these people."

Senator Wilson: "And this bill requires no additional equipment on the sort of ambulances that I am speaking of other than that already required?"

Senator Day: "I think that the bill does not require additional equipment because it does not address itself to equipment. If the utilization in the course of some equipment were advantageous, I think that they probably would be trained in its use but it does not mandate any specific utilization of equipment."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 188, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—40.

Absent or not voting: Senators Conner, Henry, McCutcheon, Peterson (Ted)—4.

Excused: Senators Cooney, Dore, Durkan, Gissberg, Whetzel—5.

ENGROSSED SENATE BILL NO. 188, having received the 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. 514, by Senators Holman, Whetzel and Francis (by departmental request):

Enacting the uniform criminal extradition act.

The bill was read the second time by sections.

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

On page 12, section 28, line 20, before "act" strike "This" and insert "Sections 1 through 26 of this"

On page 12, beginning on line 24, insert as section 30:

"Sec. 30. Section 6, chapter 196, Laws of 1951 as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050 are each amended to read as follows:

(1) Before making the demand of the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for [the] support under this chapter, or that the bringing of an action would be of no avail.

(2) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this chapter or would be effective: *PROVIDED, That in the event that the obligor has never resided in the demanding state, then, before honoring such demand the governor shall require proof of a debt arising from a decree of divorce or separate maintenance.*

(3) *Except as is provided for in the proviso to subsection (2) of this section, if an action for [the] support would be effective and no action has been brought, the governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.*

(4) If an action for support has been brought and the person demanded has prevailed in that action, the governor [may] *shall* decline to honor the demand.

(5) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the governor [may] *shall* decline to honor the demand so long as the person demanded is complying with the support order."

Renumber old section 30 as section 31, and renumber the following sections consecutively.

On page 1, line 15 of the title, after "RCW 10.88.060;" insert "amending section 6, chapter 196, Laws of 1951 as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050;"

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 514 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. 514, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—42.

Absent or not voting: Senators McCutcheon, Peterson (Ted)—2.

Excused: Senators Cooney, Dore, Durkan, Gissberg, Whetzel-5.

ENGROSSED SENATE BILL NO. 514, having received the 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 Woodall, Senate Bill No. 65 was referred to the Committee on Rules and Joint Rules.

On motion of Senator Bailey, Senate Joint Resolution No. 36 was ordered to hold its place on the second reading calendar for Tuesday, March 23, 1971.

SENATE BILL NO. 465, by Senators Andersen and Greive (by departmental request): Amending certain provisions for pilotage on Puget Sound.

The Senate resumed consideration of Senate Bill No. 465 on second reading and the pending amendment by Senator Mardesich.

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Mardesich yield? Senator, coming from east of the mountains, it is a little hard to follow all of this discussion. At the present time, say one of these Japanese vessels which comes down to the Port of Puyallup to load up logs, are they somewhere along the line coming through the Straits at some point, are they boarded by American pilots or do they come in on their own. What is the procedure?"

Senator Mardesich: "If it is a foreign vessel, they have to pick up American pilots. If they are not engaged in the coasting trade, which is American port to American port up and down our coast, if they are coming from any foreign port, they have to pick up American pilots."

Senator Woodall: "And this would not change?"

Senator Mardesich: "No."

Senator Woodall: "At the present time an Alaskan ship, if I understand it, does not have to pick up a Washingtonian pilot. Is that correct?"

Senator Mardesich: "An Alaskan ship is required to have American personnel aboard, American licensed personnel, but they are not required to pick a masters mate from the Puget Sound Pilots' Association. That is the people outside, when they come into our patrolled waters."

Senator Woodall: "And the proposed bill would require the Alaska ships to put a Washington pilot on. Is that correct?"

Senator Mardesich: "That is correct."

Senator Woodall: "And your amendment in effect would leave the law as it now is?"

Senator Mardesich: "My amendment would simply leave the law as it now is and any vessel in the coasting trade with American personnel aboard could operate without the use of Puget Sound pilots."

Further debate ensued.

#### POINT OF INQUIRY

Senator Andersen: "It is my understanding that any vessel constructed in this country has to be constructed according to the existing coast guard standards. Now if I am in error, please correct me, but it is my understanding that the Wickersham can register here but it has to first bring itself up to the applicable coast guard standards. The reason Canada is an exception as was explained to me a little while ago, was that traditionally there is this comity between Canadian and American ships that goes back to the Treaty of the Great Lakes, so that these registries can go back and forth without exchanging pilots. I understand that a vessel that is built in America has to be built to higher standards than the vessel that is built on a foreign shore and under foreign registry. Is this correct?"

Senator Mardesich: "Mr. President, in response, you are absolutely correct, with respect to construction features, but not with respect to the personnel running the vessel. If a vessel were American bottom and she had her own crew aboard, American crew, she could come in irrespective of this law, even under the amendment, without picking up a pilot. Correct? So how is the safety involved? You are talking about the physical aspects of the construction and that is an entirely different question. The Wickersham, even after this law is adopted without my amendment, will run as it does today, but they will be required to pick up pilots when they come from Vancouver, B.C. to Seattle. That is the only difference. It does not affect the safety of the people so far as the construction of the boat is concerned at all. So the only thing this applies to is a jurisdictional question."



Senators Scott, Clarke and Greive demanded the previous question and the demand was sustained.

#### MOTION

On motion of Senator Lewis, Senator Peterson (Ted) was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mardesich.

The motion by Senator Mardesich failed and the amendment was not adopted on a rising vote.

Senator Greive moved adoption of the following amendment by Senators Elicker and Greive:

On page 3, line 22, following section 4, add two new sections to read as follows:

**NEW SECTION.** Sec. 5. There is added to chapter 88.16 a new section to read as follows:

Every licensed pilot boarding any vessel navigating Puget Sound and adjacent inland waters or Grays Harbor and Willapa Bay shall present to the master of such vessel a copy of the statutes of the state of Washington and the regulations of the department of ecology concerning water pollution including a list of the penalties for violation of such statutes and regulations. The copy of such statutes, regulations, and penalties shall be prepared by the department of ecology.

**NEW SECTION.** Sec. 6. There is added to chapter 88.16 RCW a new section to read as follows:

Every licensed pilot boarding any vessel navigating Puget Sound and adjacent inland waters or Grays Harbor and Willapa Bay shall report to the department of ecology any violation of the water pollution laws of this state by such vessel which he observes or has knowledge of, including but not limited to the dumping of garbage, discharging of dirty or oily ballast and the discharging of oily bilges into the waters of this state."

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Greive, it appears to me that section 6 enlarges the scope and object of the act. I will ask the question of the Chair in a minute but what I would like for you to do is to tell me how in the world we could enforce a law which would make the pilots marine stool pigeons, because that is all it does."

Senator Greive: "Number one, you are not talking to the person that is the most enthusiastic about this. I think we had better refer that particular question to Senator Elicker. Number two, if it is not within the scope and object, I will rejoice. Number three, it seems to me that anything that is required here is already being required of the pilots and they are doing it and they are already making these reports and while they may not be enthusiastic about it if we are going to solve the ecological problem as raised by Senator Elicker, it is a good amendment."

#### POINT OF ORDER

Senator Guess: "I raise the question that section 6 enlarges the scope and object of the act."

#### MOTIONS

There being no objection, Senate Bill No. 465 was ordered held on the second reading calendar for Tuesday, March 23, 1971.

At 2:45 p.m., on motion of Senator Greive, the Senate adjourned until 10:30 p.m., Tuesday, March 23, 1971.

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

## TWELFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, March 23, 1971.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Dave Dorman, Color Bearer, and Cathy Eldridge, presented the Colors. Father James J. McGreal, pastor of St. Michael's Catholic Church of Olympia, offered prayer as follows:

"Almighty Father, from whom all authority emanates, in Your unscrutable design look kindly upon the Senators here assembled. Their challenges are many and the charge of representing the people of this state is a responsible one. Be pleased to sustain them. Teach them to relish what is right and strengthen them to continue to work with the public trust in mind. This we ask in Christ's name. Amen."

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

## REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 450, providing penalties for violation of the conditions of an additional gross load special permit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Foley, Guess, Herr, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stender, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

March 22, 1971.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 121, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 23, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 151, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 873, by Senators Walgren and Fleming:

An Act relating to housing authorities; amending section 35.82.190, chapter 7, Laws of 1965 and RCW 35.82.190; and amending section 35.82.210, chapter 7, Laws of 1965 and RCW 35.82.210.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 874, by Senators Walgren and Mardesich:

An Act relating to motor vehicles; providing for the licensing and regulation of professional driver analysts; adding new sections to chapter 12, Laws of 1961 and to chapter 46.82 RCW; creating new sections; and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 875, by Senators Walgren, Elicker and Peterson (Lowell):  
An Act relating to toll facilities and the financing thereof.  
Referred to Committee on Transportation.

SENATE BILL NO. 876, by Senator Mardesich:

An Act relating to the public welfare; providing for a Model Litter Control Act; amending section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655; repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120; repealing section 2, chapter 85, Laws of 1967 and RCW 9.66.060; repealing section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070; repealing section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650; and providing penalties.

Referred to Committee on Commerce and Regulatory Agencies.

SENATE BILL NO. 877, by Senators Twigg, Huntley, Guess, Matson and Stender:

An Act relating to higher education; providing for a deferred increase in tuition and the payment thereof; and creating a new section.

Referred to Committee on Higher Education and Libraries.

SENATE BILL NO. 878, by Senator Canfield:

An Act relating to amusement games at agricultural fairs; authorizing the same and providing that the conduct thereof or participation therein shall not be subject to criminal liability.

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 879, by Senators Durkan and Sandison:

An Act relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations; and declaring an emergency.

There being no objection, Senate Bill No. 879 was read the first time and held for Wednesday, March 24, 1971.

ENGROSSED HOUSE BILL NO. 121, by Representatives Wolf, Bottiger and Copeland:

Providing for licensing of airports.

Referred to Committee on Commerce and Regulatory Agencies.

#### MOTION

On motion of Senator Greive, the Senate commenced consideration of Senate Joint Resolution No. 36.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 36, by Senators Knoblauch, Holman, Washington, Walgren, Francis and Stortini (by Secretary of State request):

Ratifying the eighteen-year-old voting rights amendment to the federal Constitution.

The resolution was read the second time in full.

On motion of Senator Knoblauch, the following amendment by Senators Knoblauch, Holman and Washington was adopted:

On page 1, line 7 of the Joint Resolution, strike all of the remaining matter on page 1 to and including all of the matter on page 2, line 4 and insert the following:

"RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA in Congress Assembled: (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

## "ARTICLE—

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by a State on account of age.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

NOW, THEREFORE, BE IT RESOLVED, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the legislature of the State of Washington.

AND BE IT FURTHER RESOLVED, That certified copies of this joint resolution be forwarded by the Secretary of State of the State of Washington to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States."

## PARLIAMENTARY INQUIRY

Senator Andersen: "I noticed that this is a Senate Joint Resolution and Rule 18 of the Joint Rules, at least in the bound volume, provides and I quote 'All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, or to the heads of any other branch of the federal government shall be in the form of joint memorials'.

"I was wondering if under this provision of the rule this should not be amended to make it a Senate Joint Memorial inasmuch as it is being forwarded to the Secretary of State of the United States."

Senator Holman: "In commenting on the parliamentary inquiry by Senator Andersen, this question came up in the preparation of this and we found that the last time this state ratified a constitutional amendment which was the anti-poll tax amendment four or five years ago, it was done through the medium of Senate Joint Resolution No. 15 and on the basis of that the code reviser in checking other ratifications, that is the way it has always been done in this state."

## PRESIDENT'S REMARKS

The President: "The President believes that the remarks by Senator Holman are correct, Senator Andersen."

On motion of Senator Knoblauch, the rules were suspended, Engrossed Senate Joint Resolution No. 36 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 36, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 8; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—40.

Voting nay: Senators Canfield, Clarke, Guess, McCutcheon, Scott, Stender, Twigg, Woodall—8.

Absent or not voting: Senator Metcalf—1.

ENGROSSED SENATE JOINT RESOLUTION NO. 36, having received the constitutional two-thirds majority, was declared passed.

## MOTIONS

On motion of Senator Greive, Engrossed Senate Joint Resolution No. 36 was ordered immediately transmitted to the House.

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

## THIRD READING

ENGROSSED SENATE BILL NO. 66, by Senators Durkan, Metcalf, Dore, Francis, Huntley, Odegaard, Scott and Ridder (by Joint Committee on Education, executive and Superintendent of Public Instruction request):

Implementing law relating to education of all handicapped children.

## POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator, you changed the date the other day. It was my understanding that the date was supposed to have been 1973 rather than 1972."

Senator Durkan: "Mr. President and members of the Senate, I have checked on that and you are correct, Senator Atwood. However, rather than move the bill back to second reading I have no objections, I have gone to the House and asked them to take it off when it gets over there."

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. 66, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Voting nay: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 66, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Senators Fleming, Greive 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.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## SECOND READING

SENATE BILL NO. 317, by Senators Metcalf, Dore and Peterson (Ted):

Denying state reimbursement to school districts for certain compulsory bussing.

The Senate resumed consideration of Senate Bill No. 317, as amended on March 16, 1971.

Senator Donohue moved adoption of the following amendment:

On page 1, section 1, after "education" in the Ridder amendment following the word "in." on line 17, insert the following: "PROVIDED FURTHER, That this section shall not apply to those students being transported for extracurricular activities"

Debate ensued.

## POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator Ridder yield? Senator, isn't it true that not all funds for transportation of extracurricular activity buses come from student body funds and athletic funds. Isn't there state funds also that are spent in this area?"

Senator Ridder: "It is most certainly true that in the school districts in the state of Washington there is considerable money in transportation sports-wise and extracurricular-wise that comes from state support. In some cases some school districts use a portion of their student body funds to do this to subsidize the program."

Further debate ensued.

The motion by Senator Donohue failed and the amendment was not adopted on a rising vote.

Senator Dore moved adoption of the following amendment by Senators Dore and Peterson (Ted):

On line 18, following section 1, add the following new sections:

"NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

Notwithstanding any other provision of law, after the effective date of this 1971 amendatory act, no school district board of directors shall require any student or pupil to be transported or assigned to another school for any purpose or for any reason without the written permission of the parent or guardian.

NEW SECTION. Sec. 3. If any provision of this 1971 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."

Renumber the remaining section as section 4.

#### POINT OF ORDER

Senator Holman: "My point of order is that this amendment is beyond the scope and object of the bill and also embraces more than one subject. Speaking to the point of order, Mr. President, the bill which we have before us, Senate Bill No. 317, relates to the reimbursement by the state for certain activities of the school district and states that they shall not be reimbursed with state funds in the case of mandatory bussing. That is what it says and that is what the prime sponsor, Senator Metcalf, said just a moment ago.

"The amendment attempting to be put on the bill by Senators Dore and Peterson (Ted) is actually Senate Bill No. 9, if you will look in your bill book, which is an entirely different matter and has to do with the actual assignment for attendance by a school district and makes it illegal to do so. This is an entirely different question and for that reason I contend that it is beyond the scope and object of the original bill and therefore out of order."

#### MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 12:00 noon, on motion of Senator Greive, 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 until 2:10 p.m.

The President called the Senate to order at 2:10 p.m.

Senators Fleming, Holman and Greive 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.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

#### SECOND READING

SENATE BILL NO. 317, by Senators Metcalf, Dore and Peterson (Ted):

Denying state reimbursement to school districts for certain compulsory bussing.

The Senate resumed consideration of Senate Bill No. 317 on second reading, the Point of Order as raised by Senator Holman on the pending amendment by Senators Dore and Peterson (Ted).

## PRESIDENT'S RULING

The President: "The President in ruling on the point of order as raised by Senator Holman, finds that both Senate Bill No. 317 and the amendment proposed by Senators Dore and Peterson (Ted) pertains to the issue of mandatory bussing by school districts. The bill withholds state funds if the district buses students outside of the geographical area in which the student resides if the parent objects, and the amendment expressly forbids such bussing without parental consent. Although the approach to the subject is slightly different, the scope and object of the bill and the amendment are the same. The point of order is therefore not well taken."

Senator Francis moved adoption of the following amendment to the amendment by Senators Dore and Peterson (Ted):

Amend new section 2 of the amendment as follows: On the next to the last line of section 2, strike "without" and insert "over" and strike "permission" and insert "objection" Debate ensued.

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

Senator Holman moved adoption of the following amendment to the amendment by Senators Dore and Peterson (Ted):

On page 1, section 2, line 8, strike "or assigned"

## POINT OF ORDER

Senator Dore: "I raise the point of order on the amendment to the amendment. It has been amended once and I think the matter is now before us. The subject of the amendment is to merely delete out one of the words, the word 'assignment' and of course that is very necessary to having teeth in this particular bill. Therefore I would raise the point of order if that is the amendment of Senator Holman that is now before us. It is an amendment to the bill and this is the second amendment that has been offered and so now it is proper at this time to bring forth before the body the amendment as amended for action."

## PRESIDENT'S RULING

The President: "Senator Dore, the President finds that the amendment to the amendment proposed by Senator Holman is in order."

Debate ensued.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Holman yield to a question? Senator, for the record, is the purpose of this amendment to allow districts some latitude for reassignment under a limited set of conditions? Is that the purpose of the amendment?"

Senator Holman: "Yes, sir."

Senator Woodall: "You do not intend this amendment to give a school board a right to have someone transferred twenty miles away to comply with some kind of racial imbalance? That is not the purpose of your amendment?"

Senator Holman: "I do not have any intention on what the school board should do. I just simply object to the words 'or assign for any purpose' and the purpose that I want to cover here and specifically address myself to was the situation I outlined. I was not getting at any other situation."

Senator Woodall: "Which is when you have an overcrowding of numbers?"

Senator Holman: "That is one."

Senator Woodall: "And what is the other?"

Senator Holman: "Any time you want to change attendance areas for what seems to be valid reasons to the board of directors."

Senator Woodall: "Then you are saying that under your amendment if they suddenly say, 'We have a particular reason of our own we can do the very same thing that we are talking about.' In other words, under a broad construction then they could do anything they are doing now, under your amendment."

Senator Holman: "I think what you are getting at, you would like to say this: They may not be assigned to another school for purposes of redressing racial imbalances."

Senator Woodall: "Yes."

Senator Holman: "I am not getting at that. I am getting at the reasons you spoke to."

Senator Woodall: "All right. Thank you. That is in the record."

Further debate ensued.

## POINT OF INQUIRY

Senator Canfield: "Will Senator Holman yield? Senator, not being an expert with words as you are, I would like to have you explain the real significance or the difference between striking 'assigned' or striking 'transported'. Do not they really mean about the same thing? Isn't the impact about the same, whether you transport them or whether you assign them?"

Senator Holman: "No, Senator, I do not consider those synonymous in any way. It seems to me assignment relates to establishment of attendance areas. My child is assigned to the Lake Forest Park Elementary School, we will say. That is a far different thing than saying that my child has to be transported at public expense to that school. That involves bussing and in other words just transportation. Assignment has to do with the legal structure of the school district into attendance areas. I think the way it reads in the amendment by Senators Dore and Peterson (Ted), it says you cannot assign them to another school for any purpose."

Further debate ensued.

## POINT OF INQUIRY

Senator Stortini: "Will Senator Dore yield? Senator, I am concerned about how this amendment will affect Tacoma. In Tacoma we have voluntary bussing. We bus in and out fifteen hundred children. But in our central area we have forty-five students that are on a waiting list because they are new to that area and they are bussed out. It is mandatory bussing, and how will it affect these forty-five students? Are we going to lose our entire funds or are we going to lose the funds for the . . . ?"

Senator Dore: "Are the forty-five students willing to be bussed?"

Senator Stortini: "Not all of them are, but they are on that waiting list until."

Senator Dore: "Are they in the neighborhood school? Can they go to their own?"

Senator Stortini: "Some live right across the street."

Senator Dore: "Why cannot they go to their own school? But if they do not object, under this bill, then you can. This only under Senator Francis' amendment only applies to those parents who think it is not desirable for their child to be placed in mandatory bussing and if they do not object, you can bus them just as you are now. If they do object and they happen to be living within that particular neighborhood school, they have the right to go to school in that particular neighborhood school. That is all there is to it."

Senators Fleming, Bailey and Sandison demanded the previous question and the demand was sustained.

Senator Dore demanded a roll call and the demand was sustained by Senators Scott, Sandison, Mardesich, Gissberg, Murray, Francis, Twigg, Cooney and Connor.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holman to the amendment by Senators Dore and Peterson (Ted).

## ROLL CALL

The Secretary called the roll, and the amendment to the amendment was not adopted by the following vote: Yeas, 18; nays, 31.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Holman, McCutcheon, McDougall, Murray, Sandison, Washington, Whetzel, Wilson—18.

Voting nay: Senators Andersen, Canfield, Cooney, Day, Donohue, Dore, Francis, Gissberg, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Woodall—31.

Senator Holman moved adoption of the following amendment to the amendment by Senators Dore and Peterson (Ted):

On page 1, section 2, line 8, after "directors" and before "shall" insert " , except as authorized or ordered by a court of competent jurisdiction."

Debate ensued.

The motion lost and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dore and Peterson (Ted) as amended.

## POINT OF INQUIRY

Senator Ridder: "Would Senator Dore yield to a question?"

Senator Dore: "I will not yield."



Senator Ridder: "I am going to ask the question anyway. The question here is that I previously amended this to read 'for purposes of overcrowding' and now we find the words in the new amendment 'for any purpose or any reason' and it sounds to me like there is an inconsistency now within the bill that we allow for transportation when there is overcrowdedness and in this case would this take care of the overcrowded situation? Could you assign because of overcrowdedness because you are taking away the power of the previous amendment. That is why I am asking you."

Senator Washington demanded a roll call on the adoption of the amendment as amended and the demand was sustained by Senators Cooney, Woodall, Guess, Fleming, Donohue, Connor, Greive, Holman and Scott.

#### ROLL CALL

The Secretary called the roll, and the amendment by Senators Dore and Peterson (Ted), as amended, was adopted by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Dore, Francis, Gissberg, Greive, Guess, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Woodall-32.

Voting nay: Senators Bailey, Connor, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Henry, Jolly, McCutcheon, Murray, Peterson (Lowell), Ridder, Sandison, Whetzel, Wilson-17.

Senator Bailey moved adoption of the following amendment:

On page 1, section 1, line 11 after "district" and before "for" add "in class AA counties"

Debate ensued.

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Woodall yield to a question? Senator, I am not too familiar with all the school districts and so forth in Yakima but you continue to express the concern about Granger. Are these school districts multi-high school districts? Do they have two or three high schools in them or are they that large?"

Senator Woodall: "No, the town of Granger has one high school. It is not a big city."

Senator Fleming: "Is it consolidated with some other school district?"

Senator Woodall: "No, they have . . ."

Senator Fleming: "Why would they be bussing kids away from their homes unless they are already bussing them there because that is the only high school in that school district?"

Senator Woodall: "I explained to you because they do come from rural areas. I explained to you the other day on the floor that so many of our Mexican people have seen fit to move in there that someone has now come out with a concept that because so many have moved in, they are now fifty percent of one race, that maybe they have to start bussing them out. They are talking of making them bus some students to Zillah and bus some from Zillah back. Do they have to have people from another district bussed in and others bussed out?"

Senator Bailey demanded a roll call and the demand was sustained by Senators Talley, Sandison, Connor, Greive, Washington, Stender, McDougall, Metcalf and Cooney.

#### ROLL CALL

The Secretary called the roll, and the amendment by Senator Bailey was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Connor, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Henry, Jolly, McCutcheon, Murray, Odegaard, Peterson (Lowell), Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson-21.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Francis, Gissberg, Guess, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Ridder, Scott, Stender, Twigg, Woodall-28.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bailey served notice that he would at the

proper time move for reconsideration of the vote by which the amendment by Senator Bailey was not adopted.

#### REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Should not the motion be made for immediate reconsideration in view of the fact that it is an amendment rather than the main question?"

Senator Andersen: "Speaking on the point—wasn't a point of order made or the equivalent of it?"

#### PRESIDENT'S REMARKS

The President: "The President believes that Senator Mardesich did make a point of order, Senator Andersen."

Senator Andersen: "It is my understanding that under Senate Rule 31 a motion to reconsider a vote on an amendment has to be made and decided at once."

#### PRESIDENT'S RULING

The President: "The President believes that reconsideration of a vote upon amendments may be made and decided at once. However, Senator Bailey wished to move that the matter be held on second reading calendar for tomorrow. Is that correct, Senator Bailey?"

#### REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I withdraw my motion. Senator Greive, my parliamentarian, advises me that I am on shaky ground. I will withdraw it and then when we see how the vote comes out, I may ask for reconsideration of the final vote tomorrow."

There being no objection, the notice of reconsideration by Senator Bailey was withdrawn.

On motion of Senator Dore, the following amendment to the title by Senators Dore and Peterson (Ted) was adopted:

On line 3 of the title, after "RCW;" insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW;"

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 317 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Stender, Greive and Holman demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be final passage of Engrossed Senate Bill No. 317.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 317, and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Francis, Gissberg, Greive, Guess, Herr, Holman, Huntley, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Woodall—33.

Voting nay: Senators Bailey, Connor, Durkan, Elicker, Fleming, Foley, Gardner, Henry, Jolly, Lewis, McCutcheon, Murray, Sandison, Washington, Whetzel, Wilson—16.

ENGROSSED SENATE BILL NO. 317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### EXPLANATION OF VOTE

March 23, 1971.

We, the undersigned, wish to explain our nay vote on Senate Bill No. 317, mandatory bussing, which passed the Senate today.

Without passing on the merits or lack of merits of mandatory bussing in the central city areas for purposes of racial integration, we are deeply concerned over the broad provisions of the bill which could possibly be used to deter (by objection of one or a small group of parents) the use of bussing of pupils to consolidated schools in rural areas. It is our fear that the minority, even though outvoted in a previous election, could disrupt the decision of the majority in the transportation of students in consolidated districts, and for that reason we have voted no.

Signed: Senator Robert C. Bailey, Senator Gordon Sandison.

#### MOTION

On motion of Senator Greive, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 23, 1971.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 36 with the following House sponsors:

Representatives Bledsoe, King, Brown, Ceccarelli, Grant, Charnley, Rosellini, McDermott, Kiskaddon, Jones, Gilleland, Blair, Kraabel, Smythe, Lysen, Brouillet, Rabel, Ross, Backstrom, Paris, Chatalas, Anderson, Barden, Bluechel, Bradley, Cunningham, Douthwaite, Kilbury, Knowles, Litchman, Marsh, Maxie, Mentor, Moon, Perry, Savage, Shinpoch, Swayze and Williams, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

Senator Greive moved that the Senate concur in the House amendment to Senate Joint Resolution No. 36.

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "What is the amendment? Just adding House members to the Senate sponsored amendment?"

Senator Greive: "Senator, there reached a little problem of agreement between the House and the Senate as to who was to have the honor of being the sponsors and it was finally determined that we would pass their bill with all of their sponsors and then Senator Knoblauch would open up his bill. Next time around we are going to consider it immediately, all the Senate can sponsor it and everybody can be a sponsor."

The motion by Senator Greive carried and the Senate concurred in the House amendment to Senate Joint Resolution No. 36.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 36, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—42.

Voting nay: Senators Canfield, Clarke, Guess, Scott, Stender, Twigg and Woodall—7.

SENATE JOINT RESOLUTION NO. 36, as amended by the House, having received the constitutional two-thirds majority, was declared passed.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT RESOLUTION NO. 36.

## MOTION

On motion of Senator Greive, Senate Joint Resolution No. 36 was ordered immediately transmitted to the Secretary of State.

## MESSAGE FROM THE HOUSE

March 23, 1971.

Mr. President: The House has passed HOUSE JOINT MEMORIAL NO. 15, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE JOINT MEMORIAL NO. 15, by Representatives Bledsoe, King, Brown, Ceccarelli, Grant, Charnley, Rosellini, McDermott, Kiskaddon, Jones, Gilleland, Blair, Kraabel, Smythe, Lysen, Brouillet, Rabel, Ross, Backstrom, Paris and Chatalas (by executive request and by Secretary of State request):

Ratifying a proposed amendment to the United States Constitution allowing Congress to set the voting age.

On motion of Senator Greive, the rules were suspended, House Joint Memorial No. 15 was advanced to second reading and read the second time in full.

On motion of Senator Greive, the following amendment was adopted:

Add to the sponsors of House Joint Memorial No. 15 the following: Senators Knoblauch, Holman, Washington, Walgren, Francis, Stortini, Donohue, Ridder and Keefe.

On motion of Senator Greive, the rules were suspended, House Joint Memorial No. 15, as amended by the Senate, 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, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 8.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—41.

Voting nay: Senators Canfield, Clarke, Guess, Huntley, Scott, Stender, Twigg and Woodall—8.

HOUSE JOINT MEMORIAL NO. 15, as amended by the Senate, having received the constitutional majority, was declared passed.

## MOTIONS

On motion of Senator Greive, House Joint Memorial No. 15, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 4:40 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, March 24, 1971.

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

## THIRTEENTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, March 24, 1971.

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 Foley. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Geoff Norwood, Color Bearer, and Sharon Ford, presented the Colors. Father Dennis A. Wood, associate pastor of St. Michael's Catholic Church of Olympia, offered prayer as follows:

"O God, You are our refuge and strength, and without You we can do nothing. Unless You strengthen us, we cannot bear our burdens; we cannot face our responsibilities; we cannot stand the strain and the tension of life. Unless You guide us, we cannot make the right decisions; we cannot find the right way; we cannot bring life in safety to its journey's end. Father, give us the strength and the guidance we need. Amen."

On motion of Senator Greive, 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 within the bar of the Senate of Mrs. Grace Montgomery, 1971 Mother of the Year and appointed a special committee consisting of Senators Talley, Stender, Canfield and Knoblauch to escort Mrs. Montgomery to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Mrs. Montgomery to address the Senate.

The committee escorted the honored guest from the Senate Chamber.

### REPORTS OF STANDING COMMITTEES

March 22, 1971.

SENATE BILL NO. 185, allowing sale of property by governmental units (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

March 17, 1971.

SENATE BILL NO. 614, providing vision health care services (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Francis, Keefe, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 22, 1971.

SENATE BILL NO. 615, establishing freedom of choice for vision health care services (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Francis, Keefe, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 22, 1971.

SENATE BILL NO. 619, relating to employees' records (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Day, Gardner, Gissberg, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

HOUSE BILL NO. 212, removing the forty percent limitation from marine fuel taxes used for capital improvements on marine recreation areas (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Lewis, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

HOUSE JOINT MEMORIAL NO. 3, memorializing Congress to have reflectors placed on the sides of rail cars (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Durkan, Elicker, Foley, Jolly, Keefe, Knoblauch, Mardesich, Sandison, Scott, Talley.

MINORITY recommendation: That House Joint Memorial No. 3 be indefinitely postponed.

Signed by: Senator McDougall.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

HOUSE JOINT MEMORIAL NO. 14, petitioning that all of Fort Lawton be made into a city park, and that no part be used as a correctional institution by the Federal Bureau of Prisons (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Lewis, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGES FROM THE GOVERNOR

Office of the Governor, March 22, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has approved the following Senate Bills, entitled:

SENATE BILL NO. 10: Authorizing eighteen years of age to be legal age in probate law.

SENATE BILL NO. 40: Establishing procedures relative to records of personal representatives.

SENATE BILL NO. 79: Providing for inclusion of court of appeals judges in judges' retirement system.

SENATE BILL NO. 88: Authorizing the state building authority to lease land from the state or its agencies.

SENATE BILL NO. 103: Providing certain health measures relating to common schools.

SENATE BILL NO. 107: Allowing Indian tribes to participate in public cooperative ventures.

SENATE BILL NO. 131: Requiring the use of enriched flour in all specialty breads and rolls.

SENATE BILL NO. 141: Permitting minors under fourteen to use firearms when properly supervised.

SUBSTITUTE SENATE BILL NO. 142: Authorizing the director of fisheries to permit fish farming.

SENATE BILL NO. 143: Providing for the sale of highway contract plans.

SENATE BILL NO. 150: Specifying date for deposit of funds in outdoor recreation bond redemption fund.

SENATE BILL NO. 177: Providing for city indebtedness for open space, park, recreation and community facilities.

SENATE BILL NO. 195: Increasing the amount counties may expend for maintenance and operation of county historical museums.

SENATE BILL NO. 241: Adding additional members to the judicial council.

SENATE BILL NO. 266: Allowing school district joint purchasing agency to make certain purchases in cooperation with private school.

SUBSTITUTE SENATE BILL NO. 390: Providing that only decisions of the court of appeals which have precedential value shall be published.

SENATE BILL NO. 447: Providing for publication and distribution of court appeals reports.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

Office of the Governor, March 23, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has approved the following Senate Bills, entitled:

SENATE BILL NO. 97: Increasing bond requirements of elected county officials.

SENATE BILL NO. 122: Modifying existing laws to include the court of appeals.

SENATE BILL NO. 151: Implementing school plant facilities bond aid act of 1969.

SUBSTITUTE SENATE BILL NO. 157: Pertaining to certain property of the mentally ill.

SENATE BILL NO. 228: Providing for the control of pets capable of transmitting disease to man.

SENATE BILL NO. 244: Relating to district courts.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

#### MESSAGES FROM THE HOUSE

March 23, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 49,

SENATE BILL NO. 56,

SENATE BILL NO. 172,

SENATE BILL NO. 302,

SUBSTITUTE SENATE BILL NO. 352,

SENATE BILL NO. 380,

SENATE BILL NO. 496,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 23, 1971.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309,

ENGROSSED HOUSE BILL NO. 813,

HOUSE BILL NO. 992,

HOUSE CONCURRENT RESOLUTION NO. 7,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 20, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 163 with the following amendment:

On page 2, section 1, line 5 of the engrossed bill after "license" strike "or identification card of any state" and insert "of any state or "identicaid" issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 163.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 163, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr,

Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Connor, Fleming, McCutcheon—3.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 163, as amended by the 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.

March 20, 1971.

Mr. President: The House has passed SENATE BILL NO. 249, with the following amendment:

On page 3, line 14 after section 8 add a new section as follows:

"NEW SECTION. Sec. 9. The costs of the procedures required by this act shall be borne by the demanding state, except when the designated agent is not a public official. In any case when the designated agent is not a public official, he shall bear the cost of such procedures."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Holman, the Senate concurred in the House amendments to Senate Bill No. 249.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 249, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senator Mardesich—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Foley—1.

SENATE BILL NO. 249, 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.

March 23, 1971.

Mr. President: The House has passed SENATE BILL NO. 219 with the following amendments:

On page 1, line 3 of the title after "35.22.280" insert "; and declaring an emergency"

On page 3, section 1, line 4 after "same" strike everything through "purposes" on line 16 and insert ". When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior



*dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange"*

On page 7, line 15 add a new section as follows:

"**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately,"  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Twigg, the Senate concurred in the House amendments to Senate Bill No. 219.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 219, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Foley—1.

SENATE BILL NO. 219, 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 this act.

Senators Newschwander, Holman and Lewis 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 Foley who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 879, by Senators Durkan and Sandison:

An Act relating to the expenses and costs of the legislature including subsistence payments and expenses of members; making appropriations; and declaring an emergency.

Senate Bill No. 879 was read on March 23, 1971 and held.

#### MOTIONS

On motion of Senator Durkan, the rules were suspended and Senate Bill No. 879 was read the second time in full.

Senator Durkan moved the rules be suspended, Senate Bill No. 879 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

The motion failed on a rising vote.

At 11:55 a.m., on motion of Senator Greive, the Senate was declared to be at ease.

The President called the Senate to order at 12:05 p.m.

SENATE BILL NO. 879, by Senators Durkan and Sandison:

Making appropriations for expenses and costs of the legislature.

The Senate resumed consideration of Senate Bill No. 879 and the motion by Senator Durkan to suspend the rules and advance the bill to third reading.

#### POINT OF ORDER

Senator Clarke: "Under Rule 61 it is provided that each bill shall be read on three separate days unless the Senate deems it expedient to suspend this rule. Would it not take a suspension of rules under that rule?"

#### REMARKS BY SENATOR GREIVE

Senator Greive: "I think that Senator Clarke's motion is premature. I would suggest that we proceed with the consideration of this bill and if he wants to raise it just prior to the vote, that is his privilege, but there is no reason for raising it at this particular time."

#### REMARKS BY SENATOR ANDERSEN

Senator Andersen: "I object to this bill being considered out of order. According to the Senate rules we are on the fifth order of business which relates to introductions, first reading, reference of bills, memorials and resolutions and it takes a suspension of the rules to advance and we are objecting to it being advanced."

#### RULING BY THE PRESIDENT

The President: "Senator Andersen, your point is well taken but not timely. The Senate advanced to the eighth order of business when the President did not receive any objection."

#### REMARKS BY SENATOR WHETZEL

Senator Whetzel: "Mr. President, I objected. Perhaps you did not hear that way back here in the deep recesses of the chamber."

#### RULING BY THE PRESIDENT

The President: "I am sorry that the acoustics are so bad in here, Senator Whetzel, but the President did not hear you and besides the Senate could advance to the eighth order upon a simple motion."

#### POINT OF ORDER

Senator Clarke: "I do urge my point of order at this time under Rule 61."

#### RULING BY THE PRESIDENT

The President: "Under the provisions as designated in Rule 61, the point of order as presented by Senator Clarke is well taken. Senator Durkan, it would take a suspension of the rules to advance the measure."

#### MOTION

Senator Durkan moved that the rules be suspended and that the Senate do immediately consider Senate Bill No. 879.

#### REMARKS BY SENATOR ANDERSEN

Senator Andersen: "I would like to speak against the motion to suspend the rules when that is in order."

#### RULING BY THE PRESIDENT

The President: "Debate is not permitted on suspension of the rules, Senator Andersen. It has been moved by Senator Durkan that the rules be suspended, that the second reading be considered the third and that Senate Bill No. 879 be advanced to final passage."

## PARLIAMENTARY INQUIRY

Senator Durkan: "Simple majority or two-thirds?"

## REPLY BY THE PRESIDENT

The President: "Two-thirds majority is necessary to advance."

The motion by Senator Durkan that the rules be suspended, that the second reading be considered the third and that Senate Bill No. 879 be advanced to final passage lost on a rising vote.

## PARLIAMENTARY INQUIRY

Senator Day: "We are under a Call of the Senate, Mr. President. Does not everyone have to vote?"

## REPLY BY THE PRESIDENT

The President: "This was a standing vote, Senator Day. If there had been a roll call, all forty-eight Senators would have been required to vote. Senator Foley has been excused previously."

## PARLIAMENTARY INQUIRY

Senator Andersen: "There is a Senate floor resolution on the Secretary's desk by Senators Elicker, Newschwander and myself and I am wondering if we have reached the point of order where that may be considered inasmuch as it relates to matters pertinent to the consideration of the budget bill. In other words, we want to consider that resolution prior to considering the budget bill."

## MOTION

On motion of Senator Greive, the Senate returned to the fifth order of business.  
Senator Andersen moved adoption of the following resolution:

## SENATE RESOLUTION: 1971-EX-39

By Senators Andersen, Elicker and Newschwander:

WHEREAS, It is wrong to use state funds to handle the partisan political aspects of redistricting; and

WHEREAS, It is inappropriate to involve a publicly supported state university in such manner of redistricting; and

WHEREAS, It is improper to enter into a secret agreement involving the expenditure of tax monies;

NOW THEREFORE, It is hereby resolved that the annexed agreement dated February 2, 1971, between the Senate of this state and Washington State University be and it hereby is rescinded and declared null and void.

## MEMORANDUM OF UNDERSTANDING

between

WASHINGTON STATE UNIVERSITY

and the

WASHINGTON STATE SENATE

concerning

An agreement for the provision of research and consultation.

WHEREAS, Pursuant to the authority of Chapter 2, Laws of 1971, Senate Bill No. 171, passed with bipartisan support by both Houses of the Washington Forty-Second Regular Legislative Session, the Washington State Senate is now engaged in the mandatory constitutional work of redistricting for legislative and congressional offices in accordance with the federal judiciary's requirement of "one man-one vote" representation; and

WHEREAS, The Washington State Senate, desiring to complement the research

currently being provided by its own staff, has requested the Division of Governmental Studies and Services, Department of Political Science of Washington State University, to provide necessary supplementary services; and

WHEREAS, Said Division of Governmental Studies and Services, having the capacity and expertise to provide such supplementary services, deems it in its own and the public's interest to comply with such request;

IT IS AGREED that an amount not to exceed \$6,654 will be made available to the Washington State University by the Washington State Senate under the following terms:

- I. *Purpose:* To conduct a study of the distribution of the Washington State population from the 1970 United States Census and to study the voting results of the 1966, 1968, and 1970 Washington State general election, under the following specific conditions:
  - A. The voting study of 1966 and 1968 will be for no more than five, and of 1970 no more than seven, contests for public office for each year as specified by the Washington State Senate, and for those contests selected calculations and tabulations will be prepared in accordance with the following:
    1. For each contest in each year the number of Republican votes, the number of Democratic votes, the number of third party votes; the percentage of Republican votes, the percentage of Democratic votes, the percentage of third party votes; the percentage of Republican advantage and the percentage of Democratic advantage will be tabulated for each precinct, county, state legislative district and congressional district.
    2. For each precinct, county, state legislative district, and congressional district the number of registered voters, the total votes cast and the percentage voter turnout will be calculated.
  - B. Upon receipt of the first count summary computer tapes of the 1970 United States Census of population and housing for the State of Washington, the population for Washington will be tabulated in accordance with the following:
    1. The number of persons living in congressional districts, counties, state legislative districts, and the precincts;
    2. The number of persons 18 years of age or older for congressional districts, counties, state legislative districts, and precincts.
  - C. All of the above research will be displayed in a tabular form on computer printout, the format being set by the joint consent of the parties to this agreement.
- II. The Washington State University, through its Department of Political Science, Division of Governmental Studies and Services, agrees:
  - A. To furnish personnel, equipment, and supplies to perform the service described above;
  - B. To expend funds under this agreement exclusively toward the development of this project.
- III. The Washington State Senate agrees:
  - A. To reimburse the Washington State University for the salaries, supplies, computer time, machine rental, and overhead in an amount not to exceed \$6,654 under the following budget category conditions:
 

i. Key punching . . . . .	\$ 292
ii. Data cleaning and checking . . . . .	398
iii. Gang punching . . . . .	486
iv. Terminal operation . . . . .	468
v. Computer programming . . . . .	593
vi. Computer time . . . . .	1,440
vii. Research assistant . . . . .	318
viii. Secretary . . . . .	106
ix. Machine rental . . . . .	235
x. Principal investigator . . . . .	636
xi. Systems analyst . . . . .	848
xii. Supplies . . . . .	237
xiii. Overhead . . . . .	597
  - B. To reimburse Washington State University for travel expenses of the principal investigator as authorized by the Washington State Senate.
- IV. It is mutually agreed that:
  - A. Any publication or disclosure of results of this project will be at the discretion of the person executing this contract for the Washington State Senate.
- V. The Principal Investigator of the project for Washington State University will be James A. Thurber, Director, Division of Governmental Studies and Services, Department of Political Science. The final copies of the report will be delivered to the person executing this contract for the Washington State Senate.
- VI. This agreement may be amended by mutual agreement in writing, executed by the officials executing this agreement, or their successors.
- VII. The delivery deadline for the final report of phase one of this project will be four weeks (28 days) after the Principal Investigator has received at Washington State University all of the necessary United States Census maps, United States Census aggregate population statistics, precinct maps, and voting statistics to accomplish the final report.

- VIII. It is understood that the supplementary services herein above described, consisting of data entry, formatting, tabulation and retrieval, constitute only the first phase of the project and that this agreement contemplates a second phase consisting of data reformatting, regrouping and retrieval on the basis of information obtained as a result of phase one, together with such additional information as may be supplied by the Washington State Senate in which, at the Washington State Senate's option, the Washington State University will provide further supplementary services within a reasonable time on the basis of the cost of all items in article III-A hereof plus 10%.
- IX. The agreement shall be effective when executed by both parties and Washington State University may commence its responsibilities and incur costs as of that date.

Dated this 2nd day of February, 1971.

By V. L. SHELTON  
Vice President—Finance  
Washington State University

By SIDNEY R. SNYDER  
Washington State Senate.

#### POINT OF ORDER

Senator Dore: "I notice that the resolve asks the legislature to abrogate a private contract between parties, and under Article I, section 23, civil attainders, this legislature has never allowed, that is one of the founding tenets of our Constitution, to abrogate the right of contract. I will just read it to you briefly, 'No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.' This being the case, the remedy, of course, is not possible here and we are wasting the Senate's time even suggesting this type of procedure."

#### REMARKS BY SENATOR ANDERSEN

Senator Andersen: "Speaking on the point of order, Senator Dore probably is better aware than anybody in the state of Washington that the courts decide questions of law. He has been in the courts on a number of matters and dealing in the supreme court across the street in a case yesterday. I do not believe the time has come when the President of the Senate rules on points of law. Whether this would be valid or invalid would be a question we would come to only after the resolution was passed. Therefore, the point of order is improper."

#### POINT OF INQUIRY

Senator Dore: "Senator Andersen, are you not trying to abrogate a private contract by this resolution?"

Senator Andersen: "It is a public contract and we do not believe it is a proper contract, or a legal contract and that is why we have put the resolution before this body. We would be pleased to point out our reasons when and if we have the opportunity to do so, Senator Dore."

Senator Dore: "Would not the proper way to do this be to take it to court and try to do it and not through a legislative act which is forbidden by the Constitution?"

Senator Andersen: "I believe it is appropriate that the Senate make a decision as to what the Senate's action will be."

#### RULING BY THE PRESIDENT

The President: "Senator Andersen, the President was considering the remarks made by the various Senators and was going to offer a ruling upon the point of order that you presented. Senator Dore may very well be right in his point of constitutional law but the President believes this is not a matter for him to decide."

Debate ensued.

#### POINT OF INQUIRY

Senator Clarke: "Will Senator Sandison yield? Senator, I understand then that you were privy to this agreement and participated in its preparation and negotiation."

Senator Sandison: "Yes, I was."

Senator Clarke: "Did you at any time discuss this with any member of the Republican side of the Senate?"

Senator Sandison: "No, I do not recall anyone being interested. It was a matter of

administration. When the request was made, the caucus was brought into it but there was no one from the Republican side that asked about it, but it would not have been withheld from them had they asked. It just did not seem that important. It was no more important than our telephone bill or our janitorial bill or anything else. As a matter of fact, it is much smaller."

Senator Clarke: "Is it not customary to discuss matter of expenditure with the other side of the aisle?"

Senator Sandison: "I have never known it to be. As a matter of fact, this is the first personal service contract that I have seen here as such. I do not think it is customary."

Senator Clarke: "Senator, are you prepared to say on the floor at this time that you feel that Republican members did have knowledge prior to the time that it was discovered in the last day or two of the existence of this contract?"

Senator Sandison: "I would say you certainly must have had some knowledge. As I recall it was debated in the first budget bill and it was also in the press but I do not think each of you received a letter or anything like that."

Senator Clarke: "Did I understand you to say, Senator, that this particular contract was discussed or debated in connection with the first budget bill?"

Senator Sandison: "No, I think the whole process of redistricting was and this was a part of it."

Senator Clarke: "Now my specific question, Senator, was as to whether you had any reason to believe that any member of the Republican side of the Senate had any knowledge of this particular contract."

Senator Sandison: "I do not know what went on in the Committee on Constitutions, Elections and Apportionment. That was the committee involved with this and I have no knowledge of whether or not anyone was involved in that committee. As far as I am concerned, when the Secretary of the Senate, Senator Bailey and some of the others of us looked at it, we did not even think of talking to anyone else about it. It was a fairly simple contract."

Senator Clarke: "Well, Senator, again to be a little more specific, can you specifically name any Senator on our side of the aisle who did have specific knowledge of this particular contract?"

Senator Sandison: "You might ask that question of Senator Greive or someone on the committee that was involved in it, but no, I have no knowledge but as I say it was a simple procedural matter and so we did not think it was necessary."

Senators Ridder, Greive and Day demanded the previous question and the demand was sustained on a rising vote.

Senator Andersen demanded a roll call and the demand was sustained by Senators Andersen, Lewis, Peterson (Ted), Whetzel, Murray, Metcalf, Clarke, Scott and Newschwander.

The President declared the question before the Senate to be the adoption of Senate Resolution 1971-EX-39.

#### ROLL CALL

The Secretary called the roll, and the resolution was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodall—20.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—29.

#### MOTION

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

#### NOTICE OF INTENT

Notice was received from Senator Andersen that he will file a protest for the record on Senate Resolution 1971-EX-39.

## PERSONAL PRIVILEGE

Senator Ridder: "It seems to me at the rate of three hundred and fifty dollars an hour, this is a damned silly way to run a ship."

## MOTION

At 12:50 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## PARLIAMENTARY INQUIRY

Senator Holman: "Mr. President, in view of the action taken by the Senate just before lunch, would it be the President's ruling as presiding officer of the Senate that we have in effect formally ratified the contract between the Senate and Washington State University?"

## REPLY BY THE PRESIDENT

The President: "The President does not believe any action of that particular type has been taken, Senator Holman."

## PARLIAMENTARY INQUIRY

Senator Holman: "Mr. President, I had in mind the analogy of when we are voting on a question of not concurring with a House amendment to a Senate bill when that fails to pass, it is taken as a concurrence. Since this was a vote on rescinding a contract and it failed to pass by twenty-nine to twenty, I was wondering if you would rule whether we had in effect formally ratified that contract."

## REPLY BY THE PRESIDENT

The President: "The President has made no such ruling, Senator. But that does not necessarily mean that the President does not approve of the Senate action."

## PARLIAMENTARY INQUIRY

Senator Holman: "Then it would be open in case of litigation arising over this contract to assert that it has not been formally ratified or even approved by the Senate?"

## REPLY BY THE PRESIDENT

The President: "The President believes that is something for the courts to decide, Senator, if litigation does ensue."

Senator Holman: "Thank you, Mr. President."

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 880, by Senators Washington and Jolly:

An Act relating to agricultural products; and adding a new section to chapter 20.01 RCW.

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 881, by Senator Washington:

An Act relating to agriculture; and fostering the preservation of the family farm.

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 882, by Senator Washington:

An Act relating to transportation and land use planning.

Referred to Committee on Transportation.

SENATE BILL NO. 883, by Senators Washington and Jolly:

An Act relating to weed districts; and amending section 8, chapter 125, Laws of 1929 as amended by section 4, chapter 250, Laws of 1961, and RCW 17.04.180.

Referred to Committee on Agriculture and Horticulture.

SENATE BILL NO. 884, by Senator Foley:

An Act relating to housing authorities; amending section 35.82.020, chapter 7, Laws of 1965 and RCW 35.82.020; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Cities, Towns and Counties.

SENATE BILL NO. 885, by Senator Mardesich:

An Act relating to unemployment compensation; continuing benefits for the duration of any period that the rate of unemployment exceeds six percent; adding a new section to Title 50 RCW; and declaring an emergency.

Referred to Committee on Labor and Industrial Insurance.

SENATE BILL NO. 886, by Senator Wilson:

An Act relating to public utility districts; and amending section 10, chapter 278, Laws of 1957 and RCW 54.28.090.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 887, by Senators Keefe and Twigg:

An Act relating to motor vehicle license fees; exempting blind persons therefrom; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Public Institutions.

SENATE BILL NO. 888, by Senators Herr, Twigg and Stortini:

An Act relating to the support of state government; establishing a sweepstakes commission and setting out its powers and duties; providing for a special fund; and setting forth an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 889, by Senator Talley:

An Act relating to motor vehicle fuel tax; allowing rural mail carriers a refund; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SENATE BILL NO. 890, by Senators Mardesich and Gissberg:

An Act relating to regular property taxes; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 891, by Senators Talley, Washington and Huntley:

An Act relating to public highways; authorizing and directing the state highway commission in cooperation with the joint committee on highways to make a feasibility study; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

SENATE BILL NO. 892, by Senators Ridder and Day:

An Act relating to business and professions; providing for the regulation of physical therapy assistants; creating a new chapter in Title 18 RCW; and creating new sections.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

SENATE BILL NO. 893, by Senator Washington:

An Act relating to public officials.

Referred to Committee on Constitution, Elections and Legislative Processes.



SENATE BILL NO. 894, by Senator Gissberg:

An Act relating to justices of the peace; and adding a new section to Title 3 RCW.  
Referred to Judiciary Committee.

SENATE BILL NO. 895, by Senator Washington:

An Act relating to transportation.  
Referred to Committee on Transportation.

SENATE BILL NO. 896, by Senator Odegaard:

An Act relating to air pollution control.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water  
Pollution.

SENATE BILL NO. 897, by Senator Scott:

An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 898, by Senator Mardesich:

An Act relating to the investment of funds by the retirement board of the public  
employees' retirement system; and amending section 8, chapter 155, Laws of 1965 as  
amended by section 3, chapter 128, Laws of 1969 and RCW 41.40.071.  
Referred to Committee on State Government.

SENATE BILL NO. 899, by Senator Odegaard:

An Act relating to motor vehicle licensing; and amending section 46.16.090, chapter  
12, Laws of 1961 as amended by section 1, chapter 169, Laws of 1969 ex. sess. and RCW  
46.16.090.  
Referred to Committee on Transportation.

SENATE BILL NO. 900, by Senator Odegaard:

An Act relating to revenue and taxation.  
Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 901, by Senators Odegaard, Day and Twigg:

An Act relating to the department of social and health services; and adding a new  
section to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW.  
Referred to Committee on Public Institutions.

SENATE BILL NO. 902, by Senators Gissberg and Scott:

An Act relating to contracts; and creating a new section.  
Referred to Judiciary Committee.

SENATE BILL NO. 903, by Senators Peterson (Lowell) and Peterson (Ted):

An Act relating to public contracts; and creating a new section.  
Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 904, by Senators Holman, Stender and Francis:

An Act relating to crimes and punishment; and providing for appellate review of  
sentences.  
Referred to Judiciary Committee.

SENATE BILL NO. 905, by Senators Woodall, Twigg and Walgren:

An Act relating to domestic relations; and amending section 11, chapter 215, Laws of  
1949 and RCW 26.08.110.  
Referred to Judiciary Committee.

SENATE BILL NO. 906, by Senators Stender, Bailey, Huntley, Connor, Peterson

(Ted), Greive and Holman:

An Act relating to bid procedures; providing for the award of contracts for the construction of ferries to Washington corporations in periods of excessive unemployment; amending section 47.28.090, chapter 13, Laws of 1961 and RCW 47.28.090; and declaring an emergency.

### MOTIONS

On motion of Senator Bailey, the rules were suspended and additional sponsors were added to Senate Bill No. 906.

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 906 was advanced to second reading and read the second time in full.

On motion of Senator Stender, the rules were suspended, Senate Bill No. 906 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 Canfield: "I think there is always a great temptation to build some kind of a protective wall around one's own business and we are having it on an international scale where the United States is having some problems or where we are not willing to accept foreign competition. We would rather keep our wage scales and our working conditions to a point where we cannot compete with places like Japan in the making of automobiles and cameras and technical electrical equipment and the like.

"I would like to point out that California does have that advantage of climate and there is no use denying that, Senator Stender. They always have had it and every time I have been down in California they seem to be booming in the building of new facilities and people are moving in there in droves because largely of the climate and working conditions which is a natural advantage of the state of California.

"I wanted to point out one little incident that illustrates what happens when we try to make these protective deals. Quite a number of years ago the state of Oregon used to sell quite a few strawberries in the state of California and California did not like the competition so they proposed a bill in the California legislature to prevent any importation of strawberries unless the bottom of the strawberry box was on the bottom. Now that seems kind of a phony but most strawberry boxes, you know, hold about a pint and the bottom is up inside it. The strawberries can bounce. It takes the shock of the berries rattling around and they do not get bruised. Anyway, California says, no you cannot ship them in anymore, you have to put the bottom on the bottom or you cannot send them into California.

"Now that distressed the Oregon people because they would have had to change all their milling practices and all their packing practices and all their marketing practices and they did not know what to do until finally they hit on a bright idea. No citrus fruits coming into the state of Oregon unless each individual fruit is stamped with the name of its variety and its weight to the nearest gram. Well, that cooled off the California strawberry deal in a hurry and the point of it was, they compromised.

"Senator Stender, I am wondering if maybe the Washington hiring conditions on labor for instance, the cost of labor and things like that could not be considered so that the state of Washington could get a real competitive bid. I would like to have you point an answer to that if you would. Why cannot we give a competitive bid?"

Senator Stender: "Senator, I thought I had spoken to that subject. I will try to cover it again and maybe I can make it a little clearer. First, you have already read the bill and you understand that the triggering is, that is based on the question of unemployment as it, Washington state's unemployment relates to the national average. I think you already understand that the statistics from the employment security department report, unemployment is over twelve percent in this state. I think we would all feel pretty bad if our responsible bidders in this state lost this job by ten thousand dollars. Under the law the way it is now written, if a California bidder was ten thousand dollars lower than our bidder, we would lose.

"Now let us talk about the question that has to do with competitive bidding. The salary and wage question. I happen to be very close to that for the last twenty-five years. The agreement that covers the shipbuilders in Seattle covers the Pacific coast as far south as San Francisco. The shipbuilders below that line are under a different agreement. I should make it clear the two in Seattle that have capability are Lockheed and Todd shipyards. Todd has a shipyard in San Diego and they have one in Galveston and also in New York. But this bill, as you will see, this amendment provides they must build here if they get this bid. San Diego is in a low pay wage area. We are in a high wage area in San Francisco and in Seattle and Portland and this Pacific slope is basically a high wage area in relation to other areas, particularly the Gulf area and the southern California area.

"Now in answer to your other question on cost. Weather makes a great difference in shipbuilding. I think you know the weather in western Washington just as I do. You have

been over here now quite a bit and this erecting of a ship out in the open with the water, rain and sometimes snow, wind, adversely affects costs in production. No way we can control that. Those are the factors that are involved and I say that this measure is not what Senator McDougall says. Senator McDougall is talking about apples. We are talking about ships and there is a difference. This measure is an emergency measure. We are in emergent times economically and it should be supported."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 906, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—41.

Voting nay: Senators Clarke, Elicker, McDougall, Metcalf, Murray, Scott, Wilson—7.

Absent or not voting: Senator McCutcheon—1.

SENATE BILL NO. 906, having received the constitutional 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 Greive, the Senate immediately commenced consideration of Senate Bill No. 857.

#### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 857, by Senator Wilson:

Making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law.

#### REPORT OF STANDING COMMITTEE

March 17, 1971.

SENATE BILL NO. 857, making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 1, line 13, after "given" strike the period and insert "*PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this act regardless of the veteran's length of active military service.*"

On page 5, section 2, line 24, after "given" strike the period and insert "*PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this act regardless of the veteran's length of active military service.*"

Signed by: Senators Wilson, Chairman; Durkan, Henry, Jolly, Mardesich, Murray.

The bill was read the second time by sections.

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

Senator Wilson moved adoption of the following amendment:

On page 3, section 1, line 9, after "States" and before "who" insert "*or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and*"

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, I would like to ask Senator Wilson a question? Senator, I am not trying to foul up your bill but does this give veteran's preference rights to those veterans that do not qualify under the federal act? In other words, do they have to have a certain period of time in service before they qualify for veteran's benefits? Does this give

state veteran's benefits to those people that are less than one year or six months and give them rights in the state they do not get out of the federal government?"

Senator Wilson: "Senator Bailey, if I understand your question correctly, my answer would be that the language in this amendment pertains only to determining the total length of an individual's service and state affiliation for purposes of determining his place in the layoff register."

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

On motion of Senator Wilson, the following amendment was adopted:

On page 5, section 2, line 20 after "States" and before "who" insert "or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and"

#### MOTION

Senator Wilson moved the rules be suspended, Engrossed Senate Bill No. 857 be advanced to third reading, the second reading considered the third.

Debate ensued.

#### MOTION

On motion of Senator Mardesich, Engrossed Senate Bill No. 857 was ordered placed at the beginning of the second reading calendar for Thursday, March 25, 1971, as a special order of business.

#### MOTION FOR RECONSIDERATION

Senator Holman moved that the Senate immediately reconsider the vote by which Senate Bill No. 317 passed the Senate.

#### MOTIONS

Senator Greive moved that the motion for reconsideration by Senator Holman be held as the first order of business on Thursday, March 25, 1971.

The motion by Senator Greive carried.

On motion of Senator Fleming, the Committee on Labor and Social Security was relieved of further consideration of Senate Bill No. 723.

On motion of Senator Fleming, Senate Bill No. 723 was referred to the Committee on Cities, Towns and Counties.

Senator Talley moved that the Committee on Cities, Town and Counties be relieved of further consideration of Senate Bill No. 690 and that the bill be referred to the Committee on Transportation.

The motion by Senator Talley was laid upon the table on motion of Senator Greive.

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

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 907, by Senator Talley:

An Act relating to food fish and shellfish; requiring a passenger license for charter boats; and adding new sections to chapter 75.28 RCW.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 908, by Senators Durkan, Whetzel and Francis:

An Act relating to the Nisqually River Delta and adjacent areas.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 909, by Senator Ridder:

An Act relating to revenue and taxation.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 910, by Senator Washington:  
An Act relating to intergovernmental cooperation.  
Referred to Committee on State Government.

SENATE BILL NO. 911, by Senators Gardner, Fleming, Lewis, Whetzel and Washington:

An Act relating to education; authorizing certain school districts to contract with a community educational service corporation for educational services; and creating a new chapter in Title 28A RCW.

Referred to Committee on Education.

#### MOTION

On motion of Senator Gardner, the rules were suspended and additional sponsors were added to Senate Bill No. 911.

SENATE BILL NO. 912, by Senator Washington:  
An Act relating to transportation facilities.  
Referred to Committee on Transportation.

SENATE BILL NO. 913, by Senator Bailey:  
An Act relating to food fish and shellfish.  
Referred to Committee on Natural Resources, Fisheries and Game.

SENATE BILL NO. 914, by Senators Mardesich, Huntley and Twigg:  
An Act relating to justice courts.  
Referred to Judiciary Committee.

SENATE CONCURRENT RESOLUTION NO. 23, by Senators Odegaard, Gardner, Metcalf, Ridder, Newschwander and Francis:  
Providing for study of vocational education needs and capabilities.  
Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, by Committee on State Government:

Lowering the age to eighteen years from twenty-one years for certain purposes.  
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 813, by Representatives Perry, Barden and Bluechel:  
Requiring prequalification of electrical contractors doing business with electrical utilities.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 992, by Representatives Wojahn, Berentson and Thompson:  
Implementing law relating to the prevention of air pollution.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE CONCURRENT RESOLUTION NO. 7, by Representatives Lynch, Benitz, King, Kiskaddon, Shipoch and Chatalas:  
Providing for study of post high school education financing.  
Referred to Committee on Higher Education and Libraries.

## MOTION

At 3:10 p.m., on motion of Senator Greive, the Senate adjourned until 10:30 a.m., Thursday, March 25, 1971.

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

## FOURTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, March 25, 1971.

The Senate was called to order at 10:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Kathy Stortini, Color Bearer, and Reuben Knoblauch presented the Colors. Father Dennis A. Wood, associate pastor of St. Michael's Catholic Church of Olympia, offered prayer as follows:

"Father, teach us to listen carefully and patiently to other people. Teach us to say what we have to say clearly, simply and openly. Teach us what responsibility toward You and others really means. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 24, 1971.

SENATE BILL NO. 72, providing for certain changes relating to the debt adjusters (reported by Judiciary Committee):  
MAJORITY recommendation: Do pass.  
Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 267, preserving seniority of teachers transferring from private schools in state to state's common school system (reported by Committee on Education):  
MAJORITY recommendation: Do pass as amended.  
Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Washington.  
Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 303, making supplemental contracts for school district certificated employees subject to continuing contract law (reported by Committee on Education):  
MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 505, implementing the criminal code respecting the advertising, distribution, loan or sale of certain items (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Francis, Holman, Twigg, Walgren, Woodall.

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 505 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

March 23, 1971.

SENATE BILL NO. 553, providing for the placement of adjudicated delinquents (reported by Committee on Public Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 553 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 578, providing for an increase in contractual amount a public body can withhold in lieu of a performance bond (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Elicker, Fleming, Peterson (Ted), Ridder, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 690, pertaining to metropolitan municipal corporations (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 758, setting out law as to pupil conduct, discipline and rights in common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 848, providing a method of determining judges' salaries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the recommendation that it be referred to the Committee on Ways and Means.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Durkan, Twigg, Walgren, Woodall.

There being no objection, Senate Bill No. 848 was referred to the Committee on Ways and Means—Appropriations.

March 24, 1971.

ENGROSSED HOUSE BILL NO. 324, providing for the licensing of domestic waste treatment plant operators (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Francis, Holman, Keefe, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

HOUSE BILL NO. 497, providing for rescheduled or extended school years (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

March 24, 1971.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 77,

ENGROSSED HOUSE BILL NO. 344,

ENGROSSED HOUSE BILL NO. 876,

HOUSE BILL NO. 905,

ENGROSSED HOUSE BILL NO. 1059,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 24, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 515, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 24, 1971.

Mr. President: The Speaker has signed SENATE JOINT RESOLUTION NO. 36, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 24, 1971.

Mr. President: The House has concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 15 and has passed the bill as amended by the Senate. MALCOLM McBEATH, Chief Clerk.

March 24, 1971.

Mr. President: The Speaker has signed HOUSE JOINT MEMORIAL NO. 15, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 77, by Representatives Beck, Wolf and Cunningham (by departmental request):

Providing certain changes in the regulation of motor vehicle dealers.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 344, by Representatives Hoggins, Brouillet, Zimmerman, Chatalas and Litchman (by Joint Committee on Education request):

Implementing law relating to urban, racial and disadvantaged education programs and requiring programmed budget requests.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 876, by Representatives Curtis, Eikenberry, Ross and Maxie:

Pertaining to the licensing of intoxicating liquor for consumption at certain places.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 905, by Representatives Copeland, Martinis and Pardini:

Providing for the redefinition of "public place" for certain purposes.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 1059, by Representatives Bluechel, Wolf, King and Perry:

Making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law.

Referred to Committee on State Government.



## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 163,  
 SENATE BILL NO. 219,  
 SENATE BILL NO. 249,  
 SENATE BILL NO. 515,  
 HOUSE JOINT MEMORIAL NO. 15.

## SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of the motion for reconsideration by Senator Holman.

Having voted on the prevailing side and having given prior notice, Senator Holman moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 317 passed the Senate.

Debate ensued.

## POINT OF INQUIRY

Senator Murray: "Will Senator Holman yield to a question? Senator, as one of our leading constitutional authorities, what do you feel that the courts will probably react if this is brought in front of the courts?"

Senator Holman: "Senator Murray, trying to predict how a court would act on any given piece of legislation is risky business. However, in addition to the constitutional arguments that were made a few days ago, we were there talking about the interpretation by the United States Supreme Court of an implementation of their famous opinion in Brown vs. Board of Education in 1954. That of course is a question that we all realize is before the supreme court at the present time. We do not know how they are going to rule on this specific question but there are other constitutional problems besides that one.

"In our own state, for example, our courts have many times thrown out statutes on the ground of vagueness and I cannot think of any better candidate for being thrown out on the ground of vagueness than Engrossed Senate Bill No. 317, particularly section 2. I think Senator Metcalf made the best argument that I could possibly make. We just do not know how it would be interpreted. The words are: You cannot be transported or assigned to another school. Another school—what is that: Do you mean other than in his neighborhood? You do not say that. Do you mean other than in his district? You do not say that.

"I think this is a beautiful instance where the supreme court of our state would throw that one out. Now just to make perfectly clear what I am trying to do here so you all know, section 1 of this bill I could have supported because as I said many times, I do not believe in forced transportation but section 2 is another matter and there we are dealing with the power and authority of a school district to assign children around as circumstances require for various purposes. I do not think you have this nailed down as to what you are really getting at and for that reason I hope you will support the motion to reconsider."

Further debate ensued.

## POINT OF INQUIRY

Senator Washington: "Would Senator Holman yield? Senator, as I understand it, the reason for your motion is to put this bill back on second reading for the sole and specific purpose of removing the amendment by Senator Dore. Is that correct?"

Senator Holman: "Either removing it or making an amendment to it."

Further debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Would Senator Metcalf yield? Senator, you know at the beginning of the hearing on this bill we placed an amendment on it dealing with the overcrowding."

Senator Metcalf: "Yes."

Senator Ridder: "And now we find that in the new amendment that was passed, 'for any purpose or any reason.' Now this produces an ambiguity. Is it your understanding that with this new material that still the overcrowding exists, we will bus past that school?"

Senator Metcalf: "It is my understanding that the overcrowding issue is handled in section 1. Section 2 did not deal with the overcrowding specifically and in section 2 does

say 'transported or assigned to another school for any purpose or any reason'. So it does not take into consideration the measure of overcrowding. I believe the bill is all right the way it is."

Senator Ridder: "I would like to settle this problem of intent before a vote on a reconsideration. Would you feel that that second section, or the first amendment would carry over into this one in this bill?"

Senator Metcalf: "I am no lawyer but I think that it would not. Section 2 would stand by itself."

Senators Greive, Atwood and Sandison demanded the previous question and the demand was sustained.

Senators Holman, Greive and Ridder 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.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

Senator Holman demanded a roll call and the demand was sustained by Senators Greive, Ridder, Woodall, Peterson (Ted), McDougall, Cooney, Clarke, Newschwander and Murray.

The President declared the question before the Senate to be the motion for reconsideration by Senator Holman by which the Senate passed Engrossed Senate Bill No. 317.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 18; nays, 31.

Voting yea: Senators Bailey, Clarke, Connor, Durkan, Elicker, Fleming, Foley, Gardner, Henry, Holman, Jolly, McDougall, Murray, Ridder, Sandison, Washington, Whetzel, Wilson—18.

Voting nay: Senators Andersen, Atwood, Canfield, Cooney, Day, Donohue, Dore, Francis, Gissberg, Greive, Guess, Herr, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stender, Stortini, Talley, Twigg, Walgren, Woodall—31.

#### SECOND READING

##### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 857, by Senator Wilson:

Making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law.

The time having arrived, the Senate resumed consideration of Senate Bill No. 857, as amended on March 24, 1971.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 857 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. 857, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

ENGROSSED SENATE BILL NO. 857, having received the 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, Engrossed Senate Bill No. 857 was ordered immediately transmitted to the House.

On motion of Senator Greive, the Senate immediately commenced consideration of Senate Joint Resolution No. 22.

SENATE JOINT RESOLUTION NO. 22, by Senators Greive, Knoblauch, Talley, Lewis, Keefe, Sandison, Ridder, McCutcheon, Fleming, Connor, Peterson (Lowell), Peterson (Ted), Gardner, Francis, Herr, Day, Odegaard, Washington and Cooney (by executive and Legislative Council request):

Providing a constitutional amendment concerning loaning the credit of the state.

#### REPORT OF STANDING COMMITTEE

February 16, 1971.

SENATE JOINT RESOLUTION NO. 22, providing a constitutional amendment concerning loaning the credit of the state (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after "purpose" and before the period insert "*when authorized by law*".

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Donohue, Dore, Greive, Holman, Keefe, Washington.

The resolution was read the second time in full.

On motion of Senator Greive, the committee amendment was not adopted.

Senator Gardner moved adoption of the following amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen:

On page 1, beginning on line 8, strike all the matter down to and including the period on line 14 and insert:

"Article VIII, Section 5. The credit of the state shall not in any manner be given or loaned to, or in aid of, any individual, association, company, or corporation *except for a public purpose as authorized by law*.

The provisions of Article XII, section 9 [, and Article VIII, section 1.] insofar as they are inconsistent herewith are hereby repealed."

#### POINT OF INQUIRY

Senator Stender: "Would Senator Gardner yield? Senator, as I understand the amendment, you have added 'except for a public purpose as authorized by law'. That is the underlined language in this proposed amendment. How do you define public purpose under law?"

"In other words, it is my understanding that we were going to lend the credit of the state, it could very well be for a private corporation. Is that language going to bar that private corporation from getting the credit of the state?"

Senator Gardner: "No, Senator Stender, it was just our feeling, Senator Holman may wish to speak on this because he has his opinion also, but by putting the words 'except for a public purpose' in the amendment, it would be clearly understood by the voters that if the state's credit is lent, it would be for a public purpose and not necessarily to further private interests. It would be in the interest of the state that this measure was taken."

Senator Stender: "Maybe Senator Holman would like to answer my question. Would a private profit-making corporation qualify in the language you have here as a public purpose?"

Senator Holman: "I believe, Senator Stender, that the answer is that they would qualify as a recipient or a borrower or a party to whom a loan is guaranteed. The public purpose though would have to be, in my opinion, identified in the law as being something for the good of the state. It just could not be the good of the corporation. It would have to be something like an industrial development to build up the state job force.

"I think the answer to your question is that any individual firm, corporation or municipal corporation can be the object of what is going to be done but the subject of it must be for a public purpose."

## POINT OF INQUIRY

Senator Stender: "Would Senator Greive yield to a question? Senator Greive, would you care to answer my previous question to Senator Holman?"

Senator Greive: "The answer to this is that what we hope to institute is something that I have been working on for almost eleven years and that is basically a public finance corporation. Now there are various types in various states. Some twenty-six states have one version or another of this. Just as the bill you and I sponsored yesterday was in the public interest to give a little edge to a local firm because we have a lot of unemployment. So the Washington State Senate passed a bill in which it said that notwithstanding the fact that some of the highway people and that Senators McDougall and Canfield felt that this might not be a good thing, it was in the public purpose to permit them to get a little advantage so that we could put some boilermakers to work and so that we could help our sagging economy.

"Now the same sort of action would have to be taken by another session of the legislature in which we would find that the lending of the credit namely making certain loans, restricted loans under certain circumstances, are in the public interest. Under those circumstances then we could extend the credit, namely the legislature could, we or some successors."

Senator Greive moved adoption of the following amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen:

On the 8th line of the amendment after "law" and before the period insert:

"*PROVIDED, HOWEVER, That the amount of such credit shall not exceed two percent of the arithmetic mean of general state revenues for the three preceding biennia, and the amount of credit extended in aid of any individual, association, company or corporation shall not exceed ten percent of the aggregate amount authorized pursuant to this section: PROVIDED, FURTHER, That the term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Retirement system funds, and performance bonds and deposits; (4) Trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.*"

Debate ensued.

## POINT OF INQUIRY

Senator Canfield: "Senator Gardner, as I read your amendment, the state's credit shall not in any manner be loaned except for public purpose as authorized by law. My question to you then is this, cannot we by law authorize any loan for any purpose if we so say in the law?"

"Senator Gardner: "The answer is yes. However, the reason that we have restored the language and put it as it is in my amendment is that when we ran a small sample of the language we came across the problem that Senator Ridder referred to which was that people were nervous about the openness of it.

"So we came to the conclusion, and somewhat reluctantly, Senator Canfield, that if we restored the negative language and put 'except as provided for public purposes authorized by law,' it would lend a confidence to the bill and help its passage."

Senator Canfield: "As I get it from your answer then that the legislature could loan to any organization, to any individual for any purpose as long as they say it is a public purpose, they could do that and according to Senator Greive's amendment they could only do it to a limited extent."

Senator Gardner: "That is correct."

Further debate ensued.

## POINT OF INQUIRY

Senator Washington: "Could Senator Gardner yield to a question? I am sorry but I had way too many copies of amendments on my desk and was not able to follow the initial talks that were given. As I read your amendment you do not want Article VIII, section 1, removed from the Constitution?"

Senator Gardner: "That is correct."

Senator Washington: "One other question. You would leave in the present debt limit of four hundred thousand dollars?"

Senator Gardner: "That is correct."

The motion by Senator Greive carried and the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen was adopted.

On motion of Senator Whetzel, the following amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen was adopted:

Following the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen, insert the following:

*" : PROVIDED FURTHER, The amount of such credit may exceed the limits specified herein if, at a general election, a proposal to exceed such limits for some single work or object to be distinctly specified therein and for a period not to exceed thirty years from the time the credit is given or loaned, receives a majority of all votes cast for and against it at such election."*

Senator Holman moved adoption of the following amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen:

On line 8 of the amendment, after "authorized" strike "by law" and insert "upon the affirmative vote of sixty percent of the members of each house of the legislature"

Debate ensued.

### PARLIAMENTARY INQUIRY

Senator Stender: "We passed the Greive amendment to the Andersen amendment but as I understand it we have not as yet acted on the Gardner, Lewis, Greive, Elicker and Andersen amendment. Is that correct?"

### REPLY BY THE PRESIDENT

The President: "That is true. This is still an amendment to the Gardner, Lewis, Greive, Elicker, Andersen amendment, Senator Stender."

The motion by Senator Holman carried and the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen was adopted.

Senator Holman moved adoption of the following amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen:

After the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen insert:

*" : PROVIDED FURTHER, That where the state makes direct loans to any individual, association, company, or corporation for the financing of such public purpose, they may be extended only upon such terms with respect to security and repayment as are no less favorable to the state than any other credit obtained by such individual, association, company, or corporation for the financing of said public purpose."*

Debate ensued.

### POINT OF INQUIRY

Senator Guess: "Would Senator Greive yield? Senator, your comments and those of Senator Washington leave me somewhat in a quandary. I am generally in favor of these amendments that you have but how can you have a double first mortgage, if you please?"

Senator Greive: "You cannot."

Senator Guess: "Senator Washington was saying that you have first mortgages, second mortgages. That I understand. But how do you have a mortgage with repayment no less favorable to the state than anybody else? Somebody has to come first."

Senator Greive: "The difference is that we are dealing here with a direct loan and not with a guarantee. In other words, if this bill were a guarantee, if we make a guarantee, the bank will lend the money. Our idea is never that—now mind you when I say 'our' I am not saying I speak for all of the committee and we have been considering this thing for a number of years. Basically the question is whether you make direct loans.

The motion by Senator Holman carried and the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen was adopted.

"Now for instance, in Pennsylvania they make direct loans. In a number of southern states, Mississippi, maybe you are familiar with, they make direct loans there. We are not even talking about direct loans. It is quite another thing to have an emotional situation. We have a lot of unemployment and as people concerned and we might get wrought up and grant two hundred million dollars to build the SST if we had that kind of money. So this cuts out that prerogative and it makes it just that much tighter. You cannot have any direct loan. This does not mean that you cannot have a guarantee and it does not mean that you could not have interim financing because if the interim financing had to be paid back exactly the same as your long term financing, you would never have any interim financing and you would never have any business at all.

"So this is just another good firm restriction. Now what Senator Washington said is a little different attitude and it is certainly a legitimate attitude. Approximately fifteen states take the very attitude he espouses. They say, 'We should have a right to participate with the federal government. We should have the right to make direct loans. We should have the right to get all federal money.' But the point is that his approach is just a trifle more risky than what we are proposing, or at least Senator Holman is proposing. I say, as I have said before, let us make it restrictive but let us be able to do it."

Senator Guess: "Question. Senator Greive, you have confused me now. This says further that where the state makes direct loans."

Senator Greive: "Maybe I did confuse you and it is probably my fault. What I meant to say, if I did not say it, was that if the state makes direct loans, they have to pay it back just like any other loan. Furthermore the state will not make very many direct loans to business because then that means that the business could not go out and get a ninety-day loan because if they had to pay that in ninety days, they would have to pay this back so this in effect kills direct loans."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Holman yield? Senator, I have been looking at this provision and I was thinking about the student loan program."

"Is Senator Greive right in his statement that this would preclude the state from making any individual loan in this area where one agency or one student has a security instrument and he has not gotten anything else to give security on, it would seem to me this would preclude the state from making any loan to that particular student."

Senator Holman: "No, I do not think Senator Greive meant that. I do not think he said that. I think this says that when a person has a direct loan from the state and also a direct loan from some other source for the same public purpose, then they have to be paid back together. In other words, let us take an example. Suppose a student borrowed a thousand dollars from the bank and he also was entitled to a thousand dollars from the state under some student loan program such as Senator Whetzel might hope to provide. Then what this would do would be to say that as he pays back the one he will pay back the other. In other words, the terms will be *pari passu*, a Latin phrase meaning in equal steps."

Senator Atwood: "One further question. The way I read your particular amendment, it contemplates the loan being made by the state and the other financing agency at the same time. Is that a fair statement?"

Senator Holman: "It has to be in connection with the same public purpose, the same particular thing."

Senator Atwood: "What about the interest rates? If the student was paying six percent to the bank, he would have to pay six percent to the . . ."

Senator Holman: "No, I did not say anything about interest. I very carefully said just security and repayment."

The motion by Senator Holman carried and the amendment to the amendment by Senators Gardner, Lewis, Greive, Elicker and Andersen was adopted.

The President declared the question before the Senate to be the adoption of the amendment as amended.

The motion by Senator Gardner carried and the amendment, as amended, was adopted.

On motion of Senator Greive, the rules were suspended, Engrossed Senate Joint Resolution No. 22 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 Walgren: "Would Senator Greive yield to a question? Senator, is it your intent and belief that the term 'corporation' includes municipal corporations?"

Senator Greive: "Certainly. I think this is almost inherent."

Further debate ensued.

#### POINT OF INQUIRY

Senator Andersen: "Will Senator Durkan yield to a question? Senator Durkan, with your leave and the leave of the Senate, I would like to read a brief statement by way of preface to my question."

"This is from the Seattle Times. It is an article entitled 'Could State Finance SST Project' and this is what the article says in the Seattle Times, March 19. 'Two top state political leaders say it is possible Washington may temporarily finance the supersonic transport development project if federal appropriations are withheld. Both Governor Evans and a leading contender for his office in 1972, Senator Martin Durkan, Issaquah Democrat, said yesterday it was possible the state could partially bankroll the Boeing Company project.'

Durkan in San Francisco said it would be necessary to pass a state constitutional amendment removing prohibitions against use of the state's credit by private industry. If that were passed we could provide temporary aid for the project,' Durkan said. 'It would obviously permit us to do something.' "

"In other words, Senator Durkan, you said as I understood it when it appeared the SST was going to go down the tube, as it now appears to have done in the federal Congress, that a measure such as the one presently before us would obviously permit us to do something.

"Now my question to you, Senator, after that preface is: Is a fair interpretation of that comment that you made the other day and of your present position which you have expressed as being against this measure, which of course would permit us to do something about the SST, that you now do not want the state to do anything about the SST program?"

Senator Durkan: "Mr. President and members of the Senate and the minority leader of the Republican Party, I appreciate your concern, and while I cannot speak directly for the Governor, I understand that the Governor has already informed the Associated Press that he was misquoted, or out of context as to the intent of what he meant by it.

"When I was questioned in San Francisco, and I think that if you will read on there, Senator, which you did not, I pointed out that before any such undertaking would ever be had by this Senate, there would be much in depth debate and long hearings held on the matter.

"Also in the article, at no time did I say that I was going to vote for it, I said if Senate Joint Resolution No. 22 passes and that is what I meant, there are some here on the floor and Senator Greive was under the impression that I had agreed to vote for Senate Joint Resolution No. 22 and I am sorry that he had that impression because I do not recall telling him that I was going to vote for it and if I did misimpress him or you, Senator, I am sorry.

"What I said before are my statements on the Senate floor. I think that what I said to the Associated Press, and it reflected my feelings is that if Senate Joint Resolution No. 22 passed perhaps this would be a method by which we could help. If you are asking me do I think that we can fund the SST over Bellevue Community College where you come from, my answer would be no. I do not think we can. If you are asking me do you think that we can fund the SST over the problems of shelter and medical aid to the working poor, my answer is no, I do not think we can. But if you are asking me, Senator, am I willing to do everything I can to help those people who are going to be affected by the termination of the SST, my answer is yes. I have in the past and will continue."

Senators Huntley, Talley and Greive demanded the previous question and the demand was sustained.

The President declared the question to be the final passage of Engrossed Senate Joint Resolution No. 22.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 22, and the resolution failed to pass the Senate by the following vote: Yeas, 23; nays, 26.

Voting yea: Senators Andersen, Connor, Cooney, Dore, Elicker, Fleming, Francis, Gardner, Gissberg, Herr, Holman, Jolly, Lewis, McCutcheon, McDougall Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Washington, Whetzel—23.

Voting nay: Senators Atwood, Bailey, Canfield, Clarke, Day, Donohue, Durkan, Foley, Greive, Guess, Henry, Huntley, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Newschwander, Scott, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—26.

ENGROSSED SENATE JOINT RESOLUTION NO. 22, having failed to receive the constitutional two-thirds majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Greive served notice that he would, on the next working day move that the Senate reconsider the vote by which Engrossed Senate Joint Resolution No. 22 failed to pass the Senate.

#### MOTION

Senator Mardesich moved that the Senate immediately reconsider the vote by which Engrossed Senate Joint Resolution No. 22 failed to pass the Senate.

## PRESIDENT'S REPLY

The President: "Senator Mardesich, it would require a suspension of the rules in order to reconsider at this time."

## MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.  
At 1:08 p.m., on motion of Senator Greive, 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 Sandison, Senator Herr was excused.  
There being no objection, the Senate returned to the fifth order of business.  
On motion of Senator Knoblauch, the following resolution was adopted:

## SENATE RESOLUTION: 1971-EX-37

By Senators Knoblauch, Woodall, Peterson (Ted), Henry, Connor, Whetzel, Clarke, Stender, Guess, McDougall, Foley, Lewis, Ridder and Twigg:

WHEREAS, Harrie O. Bohlke passed away March 23, 1971; and  
WHEREAS, He was for many years a valued state employee; and

WHEREAS, This man was active in the business and civic affairs of the state including membership and service in the Seattle Chamber of Commerce, the Seattle Industrial Commission, Washington State Elks Association, Seattle Public Relations Roundtable, and the Public Relations Society of America; and

WHEREAS, For nearly twenty years his work as public relations director for the Washington State Brewers Institute brought him to Olympia as a respected member of the Third House; and

WHEREAS, His tireless efforts on behalf of the ideals he believed in made a significant contribution to the well being of this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate mourns the loss of this fine citizen, and extends its deep and most sincere sympathy to his wife, Dorothy; his son, Douglas and the entire family.

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to the widow and son of Harrie O. Bohlke.

## THIRD READING

SENATE BILL NO. 879, by Senators Durkan and Sandison:  
Making appropriations for expenses and costs of the legislature.  
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. 879, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—33.

Voting nay: Senators Andersen, Atwood, Clarke, Elicker, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Whetzel—14.

Absent or not voting: Senator Francis—1.

Excused: Senator Herr—1.



SENATE BILL NO. 879, having received the 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 Fleming, Senator Francis was excused.

On motion of Senator Washington, Senate Bill No. 879 was ordered immediately transmitted to the House.

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

Senator Walgren moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-38

By Senators Walgren and Twigg:

WHEREAS, There is a need for research on the problem of fire service in the state of Washington; and

WHEREAS, This research would enable fire departments to better serve their communities; and

WHEREAS, This research could lead to improved and extended training methods and facilities; and

WHEREAS, This research could lead to the development of state-wide minimum fire and related standards for equipment; and

WHEREAS, This research could provide standards of operation for fire departments throughout the state; and

WHEREAS, This research should lead to a continuing development program;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Legislative Municipal Committee is authorized and requested to undertake a study relating to the establishment of a State Fire Service Commission.

BE IT FURTHER RESOLVED, That the Legislative Municipal Committee appoint a citizens advisory council to aid the committee in its study consisting of two incumbent fire chiefs of municipalities having a population of twenty thousand or more, two incumbent fire chiefs of municipalities having a population of less than twenty thousand, two incumbent fire chiefs of fire districts, one incumbent county commissioner or councilman, one incumbent executive officer from a city within the state, two paid firefighters who are members in good standing of the International Association of Firefighters, and two volunteer firefighters who are not chiefs of a department.

BE IT FURTHER RESOLVED, That the results of study, proposed legislation and any recommendations be presented if completed, to the Extraordinary Session of the Legislature to be convened in January, 1972 for its consideration or, if not completed, then to the next regular session of the Legislature for its consideration.

Debate ensued.

The motion carried and the resolution was adopted.

Senator Elicker moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-40

By Senators Elicker, McDougall and Metcalf:

WHEREAS, President Richard M. Nixon and his Administration, recognizing the vital need for construction of the SST, have provided the leadership for the continuation of this program so vital to this country. AND, WHEREAS, the Senate of the United States, under the leadership of its majority leader, who was joined by 33 other members of his party, including virtually all of those members of his party prominently mentioned as presidential candidates, yesterday defeated any hopes of further progress on this project, AND, WHEREAS the loss of this project has dealt a staggering blow to the economy of the State of Washington, AND, WHEREAS the two Senators from this State, the Honorable Warren G. Magnuson and the Honorable Henry M. Jackson, joined President Nixon in supporting this project, even though their efforts were ineffectual,

NOW, THEREFORE BE IT RESOLVED the Senate of the State of Washington expresses its appreciation to the President and to Senators Magnuson and Jackson and its disappointment that they were unable to overcome the opposition to this vital project.

On motion of Senator Bailey, the following amendment was adopted:

After "efforts were ineffectual," add "as were those of President Nixon in obtaining the support of his party."

The motion by Senator Elicker failed on a rising vote and the resolution, as amended, was not adopted.

## PROTEST FOR THE SENATE JOURNAL

(Filed with the Secretary of the Senate on March 25, 1971, pursuant to Senate Rule 26)

We fear that a prevailing symptom of our times is that many people have become so cynical as to shrug off the expenditure of public monies for a private purpose as a matter unworthy of notice.

An instance of this kind occurred in the Senate on March 24, 1971, when the Democratic majority voted down Senate Floor Resolution 1971-EX-39, after also voting to gag the Republican Senators to prevent their being able to fully discuss the matter on the floor of the Senate. The undersigned Senators protest both such vote and such gag action.

These events occurred in this fashion. Republican Senators discovered the existence of a secret agreement entered into by the Secretary of the Senate at the direction of the Senate's majority leadership and Washington State University almost two months earlier. Not one Republican Senator was privy to the agreement or had knowledge of it.

The agreement called for a down payment expenditure of \$6,654 in public funds for phase one of work on the political aspects of redistricting. Phase two of the agreement was completely open ended as to the amount to be spent and is to be paid for at cost plus 10%.

The mentioned Resolution by Senators Andersen, Elicker and Newschwander called for the Senate to rescind this agreement and to declare it null and void.

The tactics used by the Democratic majority to sweep this unpleasant disclosure under the rug were: first, to allow a number of Democratic members of the Senate to be recognized for the purpose of asking a number of questions of the Republicans; secondly, to close off debate without giving the Republicans (who were trying to be recognized) the opportunity to answer; and thirdly, to promptly vote down the Resolution without permitting further debate.

As a part of our protest against such actions, we hereby list the questions posed to us together with our answers which the majority by its gag rule prevented us from stating on the floor of the Senate:

*Question:* What's wrong with using public funds for redistricting purposes; the Constitution requires us to redistrict, doesn't it?

*Answer:* Art. II, Sec. 3 of our State Constitution requires that after each census the Legislature redistrict "according to the number of inhabitants". The Constitution does *not* require or permit us to redistrict according to Republicans or Democrats. The census data with regard to population is public business and that is why it is already on state computers and available to all members of the Legislature. The putting of information as to numbers of Republicans and Democrats in each precinct or census tract into computers is a purely private function of the respective political parties and should not be paid for with public monies.

*Question:* Well, the Republicans are using a computer to work on the partisan aspects of redistricting aren't they, so why shouldn't the Democrats do the same?

*Answer:* The Republican State Central Committee has a contract with a private computer firm for which it is paying. The whole point is that the Democratic State Central Committee can do exactly the same thing, but will not do so as long as nobody objects to the taxpayer reaching into his somewhat tattered jeans to pick up the tab to do this.

*Question:* Why all the fuss? After all, its only \$6,654.

*Answer:* No it isn't! In such brief debate as the Democrats permitted, they admitted that over \$11,000 had already been expended under this contract and that there was no end in sight. The \$6,654 figure is only the down payment. The contract is a "cost plus" contract and has *no limit* on the funds that can be spent. Also, we doubt that anyone really needs reminding that the state of Washington is in the throes of a severe economic slump, and that the Legislature has a mighty struggle just to come up with enough money to provide for schools, colleges, institutions and old folks.

*Question:* But why the big flap about WSU being involved?

*Answer:* Because it is a tax supported university, using a tax purchased computer, tax purchased supplies, and tax paid operators and statisticians. One of the Democratic Senators stated on the floor that they had checked with private computer companies and found that these were over five times as expensive as WSU. This indicates the extent of state subsidization of the WSU computer operation. Thus, the true cost to the taxpayers of this project to date is not \$11,000 at all but is closer to \$55,000 and is apparently just getting started.

*Question:* But after all, the Republican controlled House has an appropriation for contract services and computers, don't they?

*Answer:* Yes, they do, but they aren't using it for private, partisan redistricting purposes. This Senate-WSU contract probably explains why the Senate's Budget has 85% more money for contract services, than does that of the House. It also goes a long way toward explaining why the Senate's operating expenses budgeted during the Regular Session were some \$28,000 per member as compared with the House's operating expenses per member of well less than half that.

**Question:** But isn't it true that several years ago a former employee of the Republican State Central Committee used the WSU computer to work on a thesis he was writing on redistricting when he was studying at WSU for an advanced degree in political science?

**Answer:** If one man uses a wooden match to light a cigarette, does this justify another in burning down a building? The work done at WSU was part of a University approved research project aimed at discovering a method of programming a computer so that votes in a given county or legislative district could be scientifically "weighted" to discover the political complexion of the area involved. After much trial and error such a formula was developed and was widely disseminated and commented on by political scientists. It has subsequently been used by both political parties. This was done long before the last Federal Census had been taken and which is the basis for current redistricting efforts and at no time were any funds, public or private, used to make any political analysis of census data.

**Question:** Be candid now, aren't your complaints just so much "Politics"?

**Answer:** And that my friends, demonstrates exactly what the majority party here in the Senate appears to completely have lost sight of—that "politics" is "government"—that government is by and for the people—and that it is just such little tricks as this secret contract that is causing the people to distrust their government and its institutions.

Dated at Olympia, Washington this 25th Day of March, 1971.

Signed by: Senators Andersen, Elicker, Newschwander, McDougall, Matson, Atwood, Murray, Metcalf, Scott, Clarke, Whetzel, Holman, Lewis, Peterson (Ted), Huntley.

(Secretary of the Senate please note: The first 200 words of this Protest are to be considered as the protest of the first signator above, the second 200 words that of the second signator, and serially through the entire number of signatories here).

#### STATEMENT FOR THE JOURNAL IN REPLY TO PROTEST FILED BY REPUBLICAN SENATORS MARCH 25, 1971

In the "protest" filed with the Secretary of the Senate on March 25, 1971, signed by fifteen Republican Senators, the accusation is made that Democrats attempted to "gag" the Republicans in their presentation of Senate Resolution No. 1971-EX-39.

The minutes will clearly show that this charge is untrue. Several Republicans were recognized by the President of the Senate and allowed to speak on the matter, as well as to question Senator Sandison. The answers to these questions, as well as the unrecorded remarks of Senator Bailey and Senator Greive, pointed out that the contract referred to was not secret. As a matter of fact, at the time the contract in question was negotiated with Washington State University, the matter was even publicized in the press. For instance, the following article appeared in the *Spokane Chronicle* on February 4, 1971:

#### "COMPUTERS AT W.S.U. TO ASSIST LEGISLATURE

"Computers at Washington State University will help the legislature with its redistricting problems. Senator R. R. Greive, Democrat, Seattle, Majority Floor Leader in the Senate said today.

"A contract is being signed this week, he said, to process a considerable amount of material through the university computer dealing with factors other than population count.

"We have to consider things other than mere census figures if we are going to maintain a representative legislature," Greive said.

"He pointed out that partisan, political considerations are an important phase of the redistricting process, but consideration also must be given to community interest among persons represented by the same individual in either the state legislature or the U.S. Congress. By that, he said, he feels that an urban dweller would not consider himself properly represented by someone engaged in farming fifty miles away.

"Should there be three cities whose major source of income is commercial fishing it would be wise to put them within the same legislative district, Greive said.

"It is that sort of material, plus figures on voting experience within certain geographical areas that Greive said they hope to feed into the W.S.U. computer to match with material from the Census Bureau being fed into computers at Olympia.

"The cost of the computer service at W.S.U. will come out of the Senate operational budget and that has drawn criticism from the Republicans in both the House and the Senate.

"Greive's reply was that the Republicans will also benefit from the material developed."

In further repudiation of the secrecy charge, records will show that the intention to contract for the use of computers was discussed fully in a meeting of the Senate Committee on Constitution, Elections and Legislative Processes, with all members of the committee in attendance, including six Republican Senators. The methods and procedures to be used in the redistricting effort, including the use of computers and census material, was brought out, with no dissent nor protest from any Republican present. It was stressed at that meeting that the entire redistricting procedure would be conducted openly and without secrecy. An offer was made at this time to allow the Republican members of the committee to employ their own staff people to work with our redistricting staff, or separately, but this offer was turned down, not by the members of the committee, but as a political decision of

the entire Republican Caucus, in spite of the fact that four members of the committee had requested this assistance.

It is a well-known fact to both Republicans and Democrats that redistricting cannot be accomplished without having at hand the political information as well as the population statistics of each legislative district. Redistricting has never been accomplished in this state or any other state without consideration of the political makeup of the areas to be redistricted. Before the time of computers the work was compiled manually and required much more time than can be done with the help of the computer.

The contract referred to was a simple administrative matter, handled no differently than the ordering of telephones for the members' desks, a procedure first instituted by Republicans in the House of Representatives, at a cost considerably higher than the amount of this contract.

The presentation of the Republican resolution and the ensuing remarks by the Republicans were of a purely political nature, and the time wasted was, itself, costly to the taxpayers of the state, when based on the cost per day, in an amount of approximately \$1,400.

The Resolution was merely another attempt by the Republicans to prevent redistricting at this session and force the matter into a special session in 1972, as has been suggested repeatedly by the Republican Governor and Attorney General, as well as many Republican legislators. If redistricting of the state, required by our State Constitution at this session of the legislature, were to be put off until a special session in 1972 called expressly for this purpose, the cost of only one day of such a session would be approximately \$34,000, considerably more than the entire cost of the redistricting effort at this session, to date, which now totals only slightly over \$25,000, with the bulk of the work completed. This figure includes all computer work, maps, census bureau tapes, and staff.

Republicans are known to have legislative staff, paid by the legislature, working on the political aspects of redistricting, which we think is entirely proper, with the work being done at the Republican Central Committee Headquarters in Olympia. These legislative employees have been engaged in coloring maps to reflect the political complexion of the various precincts in the legislative districts. The only reason we can think of for the work to be done at the Republican Headquarters is to allow members of the Republican Party who are not members of the Legislature to have a direct hand in shaping the districts (such as former State Representative Mary Ellen McCaffree and Attorney General Slade Gorton, who have worked on this matter in previous years). It is also well known that in 1965 when the State of Washington was last redistricted, the analysis of the political makeup of the state's legislative districts was done in the office of Lud Kramer, the Republican Secretary of State.

In direct answer to the charge that computer work is being done at a tax-supported university, the following facts are known:

Two or three years ago the Republican Central Committee entered into a contract with Ed Nichols Associates, Wheaton, Maryland, a politically oriented analyst firm, to work on the political diagnosis of the legislative districts of this state. An employee of this firm, Richard H. Schweitzer, Jr., subsequently left their employ and enrolled at Washington State University as a doctoral candidate. Mr. Schweitzer worked on the political analysis of the 1968 state of Washington elections, to be used, supposedly, for his doctoral thesis. He made extensive use of W.S.U. computer equipment, as confirmed in the Republican "Protest," making computer run after run on purely political statistics to determine the political complexion of the state's legislative districts.

However, Mr. Schweitzer abandoned his doctorate, and, instead, accepted employment with the Washington State Republican Central Committee. The material he had compiled at W.S.U. was not "widely disseminated" but, in fact, became the basis for the statistical analysis prepared and published by the Republican State Central Committee of Washington, entitled "The 1968 Election in the State of Washington," by Richard H. Schweitzer, Jr., Research Director. Copies of this publication were disseminated only to Republicans through their Central Committee. Our copy was obtained from someone who thought we were justified in having it, but who advised us that it was "highly confidential" and intended for Republican leaders only.

It becomes quite obvious that the material, compiled substantially at our tax-supported university in anticipation of the 1970 election and the redistricting required following the 1970 census, is presently being used in the Republican redistricting effort. (A copy of this report has been filed with the Secretary of the Senate).

Following publication of the report, Mr. Schweitzer left the Republican Central Committee to accept employment with the Republican-controlled Federal Census Bureau. He is now the very man we must deal with and who can decide what census information we may have, all-in-all a very nearly contrived plan by the Republicans to impede the redistricting efforts of the Democrats.

Before the 1971 regular session began, inquiry was made into the availability of state computer time for redistricting purposes, but we were informed that the state's machines were too heavily loaded with other work and would not be available. However, after the Senate had made arrangements for the use of the W.S.U. computer, the governor's O.P.P. & F.M. did, in fact, put the population figures on their computer.

In our search for a computer that could supply the necessary information at the least possible cost, we found that W.S.U., because much of the necessary "soft-ware" or programming had already been done in connection with Mr. Schweitzer's project, could provide the service at a cost much below that of any private computer firm.

Much of the material gathered by our redistricting staff, as well as the material compiled at W.S.U., has been furnished to the Republican caucuses of both the House and the Senate, at their request. All material, computer print-outs, and maps have been available to members of both parties at all times, and many Republican legislators have visited the redistricting offices to discuss their particular districts from time-to-time.

Work on redistricting at this session has proceeded rapidly without delaying the action on any other legislation or prolonging the session in any way. If Republicans will cooperate in the passage of the redistricting bill at this session, it may be possible to avoid the necessity of a special session called for this purpose, or to avoid the possibility of the court holding up the passage of any legislation for forty-six days as occurred in 1965, thus saving the taxpayers of this state well over a million dollars.

Signed by: Senators Greive, Bailey, Ridder, Wilson, Stortini, Peterson (Lowell), Knoblauch, Francis, Jolly, Odegaard, Washington, Connor, Cooney, McCutcheon, Talley, Fleming, Walgren, Donohue, Mardesich, Day, Durkan, Henry, Sandison, Gardner, Dore, Gissberg, Herr and Foley.

Dated at Olympia, Washington this 25th day of March, 1971.

(Secretary of the Senate please note: The first 200 words of this statement are to be considered as the statement of the first signator above, the second 200 words that of the second signator, and serially through the entire number of signatories.)

#### MOTION

At 3:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, March 26, 1971.

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

## FIFTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, March 26, 1971.

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 Francis, Gissberg, Huntley and McDougall. On motion of Senator Foley, Senator Gissberg was excused. On motion of Senator Atwood, Senators Huntley and McDougall were excused. On motion of Senator Henry, Senator Francis was excused.

The Color Guard, consisting of Pages Lisa Eie, Color Bearer, and Eric Holt presented the Colors. Father Dennis A. Wood, associate pastor of St. Michael's Catholic Church of Olympia, offered prayer as follows:

"O God, our Father, give light to each one of us. Give us light that our beliefs may be right, certain and true; that no self-will may blind us to the truth, making us wilfully refuse to see things we ought to see; give us light that we may walk aright, that the light of truth may show us where we ought to go; that the knowledge of the truth may guide us in all our decisions. This we ask through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 25, 1971.

SENATE BILL NO. 42, regulating the burning of waste forest products and other materials (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 59, establishing a judicial retirement system (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

February 10, 1971.

SENATE BILL NO. 138, authorizing the state highway commission to snow plow parking areas at public recreation lands (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Donohue, Jolly, Keefe, Knoblauch, Mardesich, Matson, Murray, Sandison, Scott, Stender, Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 169, providing for post retirement adjustments under state teachers' retirement system (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means—Appropriations.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray, Odegaard.

There being no objection, Senate Bill No. 169 was referred to the Committee on Ways and Means—Appropriations.

March 25, 1971.

SENATE BILL NO. 262, implementing law relating to that tax on cigarettes, the proceeds from which go into the school building bond redemption fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Gissberg, Guess, Huntley, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 263, changing funding of veterans' bonuses (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Gissberg, Guess, Huntley, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 318, providing for the prohibition of certain material to minors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Foley, Greive, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 341, providing for forest fire protection (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 368, integrating retirement plan laws for state universities and state colleges (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 493, clarifying taxing powers of fire protection districts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Fleming, Foley, Gissberg, Guess, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 504, providing a prohibition against requiring workmen to work underground alone (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Matson, Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 626, relating to disposition of depositary interest paid to the state (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Foley, Guess, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 818, providing for the mandatory reporting of suspected child

abuse (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 858, providing for additions to Seaquest State Park by exchange of public land (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE CONCURRENT RESOLUTION NO. 16, authorizing a study relating to community schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

March 19, 1971.

ENGROSSED HOUSE BILL NO. 277, providing certain changes in the law relating to community health programs (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Elicker, Francis, Holman, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

ENGROSSED HOUSE BILL NO. 303, providing for forest fire protection (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Donohue, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

ENGROSSED HOUSE BILL NO. 311, modifying the suspended sentence procedure (reported by Judiciary Committee):

Majority recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Durkan, Foley, Greive, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

## LETTER OF INFORMATION

March 25, 1971.

PRESIDENT OF THE SENATE,  
THE HONORABLE JOHN CHERBERG,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Senate Committee on Revenue and Taxation and into the full committee on Ways and Means:

SENATE BILL NO. 626: Depositor Interest, distribution.

HOUSE BILL NO. 38: Nonprofit sectarian organizations, tax exempt.

HOUSE BILL NO. 728: Public Property, transfer, tax.

Sincerely,

HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

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



## SENATE RESOLUTION: 1971-EX-43

By Senator Knoblauch:

WHEREAS, The Puyallup Vikings showed great promise during their regular basketball season and ranked high in State Class AAA basketball ratings; and

WHEREAS, The Vikings lived up to this promise not only by winning all sixteen games of their regular league season but also by securing a berth in the State Class AAA tournament by winning the Region 3 title at the round of games played at the University of Puget Sound; and

WHEREAS, The Vikings proved themselves the best Class AAA basketball team in the State of Washington by defeating in the final round at the Hec Edmundson Pavilion at the University of Washington the great team from Pasco High School by the score of 54-41;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington congratulates the Puyallup Vikings, their coach Richard (Rich) Hammermaster, and their assistant coach, Jim Clifton, for winning the State Class AAA Basketball title and further commends them for their victorious basketball season.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each member of the Puyallup Vikings basketball team, to their coaches, and to the principal of the Puyallup High School.

## APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of the Puyallup Vikings State Class AAA championship basketball team and appointed a special committee consisting of Senators Stortini, McCutcheon, Newschwander, Knoblauch and Gardner to escort the honored guests to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Coach Richard Hammermaster to introduce the team and address the Senate.

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

## MESSAGE FROM THE GOVERNOR

Office of the Governor, March 25, 1971.

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

The failure of numerous special property tax levies earlier this year and again on Tuesday, March 23, emphasizes the urgent need for the Legislature to submit to the people a proposed amendment to Article VII, Section 2, of the State Constitution as it pertains to the quorum requirement of special levy elections of 40% of the vote cast in the taxing district at the last preceding general election. The effect of this provision has been to cause the defeat of 15 special levy issues for operation and maintenance of school district programs to be collected in 1972. The value of these 15 levies is in excess of \$50 million. In addition, three bond issues slated for collection beginning in 1972 have also been invalidated by the 40% quorum requirement. For collection in 1971, a total of seven operation and maintenance issues, thirteen bond issues and two building fund issues were similarly defeated due to this provision.

The effect of the 40% quorum requirement is to provide an unfair advantage to those who, through refusal to vote, decline to fulfill their citizenship obligation. It is tragic to have the future of our schools decided by those who refuse to vote. The voting privilege is a precious one, the very basis for our free society. I find it abhorrent that we have in our constitution a provision which discourages citizens from exercising this privilege.

Obviously, voters have the right to vote "no" on special levies as on any other issue. But no one should be able to vote "no" by staying at home. A "yes" vote and a "no" vote alike should be registered only by those who go to the polls.

I urge the Legislature to promptly address this issue. I will support any proposal which provides a responsible solution. There presently is pending before the Legislature HOUSE JOINT RESOLUTION NQ. 47 which addresses this issue and deserves the serious attention of the Legislature. It is time to act so that responsible voter participation will be assured in special levy elections. Incentive must be placed on the act of voting rather than a premium being given to those who stay away from the polls. Only in this way can the basic principles of our free society apply in this vital area of public interest.

Sincerely,  
DANIEL J. EVANS  
Governor.

## PERSONAL PRIVILEGE

Senator Ridder: "At the moment I would like to react to this letter from Governor Evans. I feel that we have seen in this state a gradual disintegration of the education

program from the state level to the local level and the Governor addresses his letter to the fact that we should make it easier to fund the state school system by referring it to the people and make it easier for the people to support on the local level what should be supported at the state level.

"For instance, in this legislature we see a bill that would take the excise tax on trailer homes and we would take this off of the county allocation to the schools and we would put it in the local intake of the schools. By doing this, you will note that this means that you subtract more money at the local level; the local level has to go out and ask for more special levies; the state puts less money into the program.

"We have seen in the last ten years a gradual disintegration from almost a sixty percent level of support on the state level to less than forty percent support on the state level by the state. In the Constitution of this state it says the state shall provide and not the local taxpayers.

"If we are to go ahead with this idea of constantly making it easier to go to the people to pass special levies, we are just constantly putting the problem back on the local taxpayer. At this present moment some districts in this state are running thirty-five percent of their budget, which is necessary budget, not frills, at the local level. It seems to me that such a letter asking us to do even more on the local taxpayer level is the thing that is getting this taxpaying situation all out of gear. I think that we should change our whole stress here."

#### MESSAGE FROM THE HOUSE

March 24, 1971.

Mr. President: The House has passed:  
SECOND SUBSTITUTE HOUSE BILL NO. 594,  
ENGROSSED HOUSE BILL NO. 642,  
HOUSE JOINT RESOLUTION NO. 52,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 915, by Senators Stender, Peterson (Lowell) and Walgren:

An Act relating to the Puget Sound ferry system; increasing the motor vehicle fuel tax for the support thereof; creating the Puget Sound ferry operations account; amending section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140; amending section 47.60.150, chapter 13, Laws of 1961 and RCW 47.60.150; and amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 85, Laws of 1970 ex. sess. and RCW 82.36.020.

Referred to Committee on Transportation.

SECOND SUBSTITUTE HOUSE BILL NO. 594, by Committee on State Government (Originally sponsored by: Representatives North, Chatalas, Blair and Lynch (by executive request):

Prohibiting discrimination based on sex, race, creed, color or national origin.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 642, by Representatives Pardini, Bagnariol and Shera:

Implementing law relating to mutual savings banks.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE JOINT RESOLUTION NO. 52, by Representatives Flanagan, Perry and Pardini (by executive request):

Amending the constitutional debt limitation.

Referred to Committee on Ways and Means—Revenue and Taxation.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Greive moved that the Senate do now reconsider the vote by which Engrossed Senate Joint Resolution No. 22 failed to pass the Senate.

Debate ensued.

Senator Mardesich demanded a roll call on the motion for reconsideration and the demand was sustained by Senators Talley, Foley, Holman, Newschwander, Woodall, Peterson (Ted), Washington, Lewis and Connor.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration carried by the following vote: Yeas, 32; nays, 12; absent or not voting, 1; excused, 4.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—32.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Mardesich, Matson, Metcalf, Newschwander, Scott, Stender, Twigg, Woodall—12.

Absent or not voting: Senator Donohue—1.

Excused: Senators Francis, Gissberg, Huntley, McDougall—4.

#### MOTIONS

On motion of Senator Greive, Engrossed Senate Joint Resolution No. 22 was ordered held on the third reading calendar for Monday, March 29, 1971.

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

#### SENATE RESOLUTION: 1971-EX-41

By Senators Keefe, Greive, Whetzel, Metcalf, Guess and Durkan:

WHEREAS, Greece, the land of the earliest recorded democratic republic, has valiantly withstood the threat of Communism even though she geographically stands within the shadow of the Iron Curtain; and

WHEREAS, Greece remains an important ally of the United States and other free nations in the defense of the Eastern Mediterranean from the foes of freedom; and

WHEREAS, The patriotic people of Greece challenged the forces of oppression and began a long struggle for restoration of their nation and the freedom of their people; and

WHEREAS, Their cause was just and Greek people were dedicated to freedom; strong support developed so that after many difficult years the Ottoman Sultan was forced to acknowledge the independence of Greece; and

WHEREAS, The people of Greece have clearly demonstrated that where there is a will to be free, ways and means to secure and defend freedom will be found; and

WHEREAS, Through the centuries the Greek people have continually earned the admiration of the world for their courage, self-reliance and love of freedom; and

WHEREAS, We, the members of the Senate gratefully acknowledge the many citizens of Greek ancestry within this State and their contributions to our cultural heritage, as well as appreciate this opportunity to pay respect to the Honorable Spiro T. Agnew, Vice President of the United States, who so willingly gave of his time to address this Legislature; and

WHEREAS, The One Hundred Fiftieth Anniversary of Greek Independence was yesterday, March 25, 1971;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate on behalf of the people of the state of Washington, now join in paying tribute to their neighbors of Greek ancestry and to the people of Greece upon the occasion of the One Hundred Fiftieth Anniversary of Greek Independence;

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby ordered to send a copy of this resolution to the Honorable Spiro T. Agnew, Vice President of the United States and to the Rev. A. Homer Demopolus of Saint Demetrios Greek Orthodox Church, Seattle, Washington.

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

#### SENATE RESOLUTION: 1971-EX-42

By Senators Stortini, Ridder, Durkan, Holman, Dore, Walgren, Sandison, Francis, Gardner, Odegaard, Washington, Metcalf, Fleming, Lewis, Murray, Andersen and Bailey:

WHEREAS, The Washington State Senate noting the legislative intern's service to the Forty-Second Legislature in doing research, reviewing legislation, and otherwise providing the very necessary and supportive assistance to their individual sponsor; and

WHEREAS, The Washington State Senate desires to particularly acknowledge the

valuable vehicle which the internship program has provided for furthering not only the academic knowledge of the political process, but also in rendering the practical experience and deeper insight so necessary to a thorough understanding of political science and human affairs; and

WHEREAS, The Washington State Senate is gratified with this opportunity to establish a mutually beneficial working relationship between the democratic institutions of the state and the young who will eventually be entrusted with the responsibility of preserving our democratic principles of government through the years ahead;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate wishes to express its appreciation to the sixteen legislative interns for their meritorious services to this legislature, and to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby ordered to send a copy of this resolution to each intern, and to the President and Political Science Department Chairman of each institution of higher education participating in the internship program as a memorial of this contribution.

### MOTION

On motion of Senator Washington, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Wednesday, March 31, 1971.

### SECOND READING

SENATE BILL NO. 485, by Senators Washington, Greive, Bailey, Francis, Wilson and Murray (by Lieutenant Governor request):

Enacting an open public meetings act.

The Senate resumed consideration of Senate Bill No. 485 on second reading. The committee report having been adopted on March 16, 1971.

Senator Washington moved adoption of the following amendment by Senators Washington and Wilson:

Strike everything after the enacting clause and insert the following:

**NEW SECTION.** Section 1. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**NEW SECTION.** Sec. 2. As used in this act unless the context indicates otherwise:

(1) "Public agency" means any state agency other than courts or any county, city, town, school district, municipal corporation, special purpose district, political subdivision, state college or university, community college, or any board, commission, committee, subcommittee, department, division, or agency thereof, or other public agency.

(2) "Administrative body" means the governing board, directors, trustees, or body of a public agency or subdivision thereof and shall include any board, commission, committee, subcommittee, department, division, or other body on which the officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency. Administrative body also includes but is not limited to planning commissions, library boards, recreational commissions, and other permanent boards or commissions of a public agency.

(3) "Action taken" means a collective decision made by a majority of the members of an administrative body, a collective commitment or promise by a majority of the members of an administrative body to make a positive or negative decision, or an actual vote by a majority of the members of an administrative body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which public business is transacted or deliberated.

**NEW SECTION.** Sec. 3. All meetings of the administrative body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the administrative body of a public agency, except as otherwise provided in this act.

**NEW SECTION.** Sec. 4. A member of the public shall not be required, as a condition to attendance at a meeting of an administrative body of a public agency, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

**NEW SECTION.** Sec. 5. In the event that any meeting is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are wilfully interrupting the meeting, the members of the administrative body conducting the meeting may order the meeting room cleared and continue in session. In such a session, final disposition may be taken only on matters appearing on the agenda. Duly accredited representatives of the press or other news media, except those participating in the disturbance shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the administrative body from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the orderly conduct of the meeting.

**NEW SECTION.** Sec. 6. No administrative body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this act. Any action taken at meetings failing to comply with the provisions of this section shall be null and void.

**NEW SECTION.** Sec. 7. The administrative body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the administrative body of a public agency need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the public administrative body: PROVIDED, That the notice requirements of this act shall be suspended during such emergency.

**NEW SECTION.** Sec. 8. A special meeting may be called at any time by the presiding officer of the administrative body of a public agency or by a majority of the members of the administrative body by delivering personally or by mail written notice to each member of the administrative body and to each local newspaper of general circulation and to each local radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the administrative body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files, with the clerk or secretary of the administrative body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage.

**NEW SECTION.** Sec. 9. The administrative body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the administrative body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in section 8 of this act for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

**NEW SECTION.** Sec. 10. Any hearing being held, noticed, or ordered to be held by an administrative body of a public agency at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the administrative body in the same manner and to the same extent set forth in section 9 of this act for the adjournment of meetings.

**NEW SECTION.** Sec. 11. Nothing contained in this act shall be construed to prevent the administrative body of a public agency from holding executive sessions during a regular or special meeting to consider the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The administrative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the administrative body.

Nothing in this act shall be construed to prevent any board, commission, committee, subcommittee, department, division, or other body as defined in section 2 of this act from holding executive sessions to consider (1) matters affecting the national security, or (2) the appointment, employment, or dismissal of an officer or employee or to hear complaints or

charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting during the examination of a witness any or all other witnesses in the matter being investigated by the administrative body.

**NEW SECTION.** Sec. 12. Each member of an administrative body who attends a meeting of such administrative body where action is taken in violation of any provision of this act applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this act does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. Reasonable expenses, including attorney's fees, shall be awarded the person bringing the action if the suit results in assessment of the civil penalty. The members held to be in violation shall be personally liable only for their pro rata share of the expenses.

**NEW SECTION.** Sec. 13. Any person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this act by members of the administrative body of a public agency.

**NEW SECTION.** Sec. 14. The provisions of this act shall apply to the administrative body of every public agency notwithstanding the conflicting provisions of any other state or local law: **PROVIDED,** That this act shall not apply to: (1) the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business or occupation or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) that portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group.

**NEW SECTION.** Sec. 15. (1) All meetings of the state legislature and all standing committees and subcommittees thereof shall be open and public and all persons shall be permitted to attend any such meetings: **PROVIDED,** That nothing in this section shall prevent the legislature or any committees and subcommittees thereof from holding executive sessions to consider appointment, employment, or dismissal of an officer or employee of the legislature or committee or subcommittee thereof or to hear complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing. The legislature or any committee or subcommittee thereof may also exclude from any such meeting, during the examination of a witness, any or all witnesses in the matter being investigated: **PROVIDED FURTHER,** That nothing in this section shall be construed to prevent the legislature or any committee or subcommittee thereof from holding executive sessions to consider matters affecting the national security or the security of the legislature or its committees or subcommittees.

(2) Each member of a legislative body who attends a meeting of such legislative body where action is taken in violation of any provision of this act applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this act does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. Reasonable expenses, including attorney's fees, shall be awarded the person bringing the action if the suit results in assessment of the civil penalty. The members held to be in violation shall be personally liable only for their pro rata share of the expenses.

Any person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this act by members of the legislature or any standing committee or subcommittee thereof.

(3) In the event that any meeting of the legislature or any standing committee or subcommittee thereof is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are wilfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this subsection. Nothing in this subsection shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the orderly conduct of the meeting.

(4) The provisions of this act shall apply to the state legislature and any standing committee or subcommittee thereof notwithstanding the conflicting provisions of any other state law.

**NEW SECTION.** Sec. 16. The following acts or parts thereof are each hereby repealed:

(1) Section 1, chapter 216, Laws of 1953 and RCW 42.32.010;

(2) Section 2, chapter 216, Laws of 1953 and RCW 42.32.020.

**NEW SECTION.** Sec. 17. This act may be cited as the "Open Public Meetings Act of 1971".

**NEW SECTION.** Sec. 18. 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."

Senator Metcalf moved adoption of the following amendment to the amendment by Senators Washington and Wilson:

On page 3, section 6, line 12 after "void", insert " : PROVIDED, That in order to insure compliance with this section, any gathering of any two or more members of an administrative body of a public agency, during the week immediately preceding any official meeting of the body, whether held at any place public or private, at which any discussion takes place of any subject to come before the official meeting, shall be in violation of this act".

Debate ensued.

#### MOTION

Senator Holman moved that Senate Bill No. 485 be referred to the Judiciary Committee.

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Ridder yield? Senator, I would back Senator Holman on this motion because of your remarks when you returned from the Oregon legislature. You were quite impressed the way everything was taken care of in committee. All amendments were taken care of in committee and bills were not amended on the floor. Have you reversed your opinion on the operation of the Oregon legislature?"

Senator Ridder: "Senator Peterson, when I spoke of the Oregon legislature, I spoke of the budgetary process. Of course when their budget bill comes out on the floor, they do not argue about those amounts. They send the bill back to committee.

"In this situation we are discussing a problem of various input of ideas and this, of course, is an idea bill. When this bill gets on to the floor, it is not a question of changing an amount or allocating funds. It is a way of how you think about this bill and there are forty-nine Senators on this floor and forty-nine viewpoints of what should go into it or what should come out of it.

"I would suggest that right here and now we take this in our teeth and bite the bullet, so to speak, and solve these problems, vote them down if we must, and move on. The bill is a good one as it stands."

Further debate ensued.

#### MOTIONS

On motion of Senator Keefe, the motion by Senator Holman to refer Senate Bill No. 485 to the Judiciary Committee was laid upon the table on a rising vote.

On motion of Senator Washington, the amendment by Senator Metcalf to the amendment by Senators Washington and Wilson was laid upon the table.

On motion of Senator Clarke, the following amendment to the amendment by Senators Washington and Wilson was adopted:

On page 1, section 2, line 24, after "agency" strike the period and insert a comma and add: "except for the state legislature which shall be subject to section 15 only of this act."

On motion of Senator Mardesich, the following amendment to the amendment by Senators Washington and Wilson was adopted:

On page 6, section 14, line 18, after "public agency" insert " , as defined in section 2 herein,"

Senator Metcalf moved adoption of the following amendment to the amendment by Senators Washington and Wilson:

On page 6, section 15, line 30, at the end of line 30, following "thereof" add "and all party caucuses"

Debate ensued.

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Metcalf yield? Senator, the way I read this bill, it already covers party caucuses. Have you an opinion that it does not?"

Senator Metcalf: Senator Atwood, I am not an attorney. I read the bill and I did not pick that up although I did read it quite carefully. If it does already cover party caucuses, then I think that improves the bill immensely. I still think we should put in my amendment just to be positive."

The motion by Senator Metcalf failed and the amendment to the amendment by Senators Washington and Wilson was not adopted.

Senator Woodall moved adoption of the following amendment to the amendment by Senators Washington and Wilson:

Strike section 15, and renumber remaining sections consecutively.

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Woodall yield to a question? Senator, you are a very competent attorney and I am trying to get some free legal advice here. I thought before we strike section 15 in its application to the legislature, I would like your opinion. You mentioned the Governor and as I read this bill the Governor's office is specifically included in it and let me read it to you. It says, 'The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other paid public agencies of this state and subdivision thereof exist to aid in the conduct of the people's business. It is the intent of this act that their actions be taken openly and that their deliberations be conducted openly.' Now when it says public offices, does not that include the Governor and would not that preclude the Governor from meeting with any department head in private if this bill is passed?"

Senator Woodall: "I have not analyzed it in depth and I would not want to give an off the cuff opinion. I think it clearly would apply to any commission that he was a member of, ex officio or otherwise. I am not prepared to say that merely to call his own people in that he would be barred as now written. I do want to add one thing. The California act to which Senator Washington alludes excludes the legislature."

Debate ensued.

Senators Bailey, Washington and Elicker demanded the previous question and the demand was sustained.

The President declared the question to be the adoption of the amendment by Senator Woodall to the amendment by Senators Washington and Wilson.

Senator Washington demanded a roll call and the demand was sustained by Senators Connor, Scott, Murray, Gardner, Knoblauch, Peterson (Lowell), Mardesich, Newschwander and Clarke.

#### ROLL CALL

The Secretary called the roll, and the amendment by Senator Woodall to the amendment by Senators Washington and Wilson was adopted by the following vote: Yeas, 36; nays, 8; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Gardner, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Woodall—36.

Voting nay: Senators Conner, Elicker, Francis, Metcalf, Murray, Washington, Whetzel, Wilson—8.

Absent or not voting: Senators Henry, McCutcheon—2.

Excused: Senators Gissberg, Huntley, McDougall—3.

#### MOTION

At 1:27 p.m., on motion of Senator Greive, the Senate adjourned until 2:27 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:27 p.m.

#### MOTIONS

On motion of Senator Mardesich, Senators Donohue and Durkan were excused.

On motion of Senator Peterson (Lowell), Senator Day was excused.

On motion of Senator Keefe, Senator Cooney was excused.

The Senate resumed consideration of Senate Bill No. 485 on second reading.



## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Clarke moved that the Senate immediately reconsider the vote by which Senator Clarke's amendment to page 1, section 2, line 24 to the amendment by Senators Washington and Wilson was adopted.

The motion for reconsideration carried.

## MOTIONS

On motion of Senator Clarke, there being no objection, the amendment to page 1, section 2, line 24 to the amendment by Senators Washington and Wilson was withdrawn.

On motion of Senator Clarke, the following amendment to the amendment by Senators Washington and Wilson was adopted:

On page 1, section 2, line 19, after "courts" add "and the state legislature."

On motion of Senator Andersen, the following amendments to the amendment by Senators Washington and Wilson were adopted:

On page 2, section 5, line 26, strike "wilfully", and on line 28, section 5, strike "wilfully"

On page 3, section 5, line 4, strike "wilfully"

## MOTION

Senator Newschwander moved that Senate Bill No. 485 be referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Debate ensued.

## MOTION

Senator Mardesich moved that the motion by Senator Newschwander be laid upon the table.

## POINT OF ORDER

Senator Woodall: "My point of order is that the mover of the motion had been recognized and moved its adoption and was standing to be recognized to speak as to the merits of it and Senator Mardesich was recognized prior to the mover of the motion, hence we were not given an opportunity to hear the reasons back of Senator Newschwander's motion."

## RULING BY THE PRESIDENT

The President: "The President would be very happy to extend that privilege to Senator Newschwander."

## QUESTION OF CONSIDERATION

Senator Mardesich raised the question of consideration.

## MOTION

On motion of Senator Greive, the rules were suspended and Senator Newschwander was permitted to proceed.

The motion by Senator Newschwander to refer Senate Bill No. 485 to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution failed.

The President declared the question before the Senate to be the adoption of the amendment by Senators Washington and Wilson as amended.

The motion by Senator Washington carried and the amendment by Senators Washington and Wilson, as amended, was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No.

485 was advanced to third reading, the second reading considered the third, and the bill was passed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Holman: "Would Senator Washington yield? Senator, as sponsor of the bill, would it be your opinion that the definition of public agency now applies to, with the exception of the courts and the legislature, to all types of public boards and commissions as listed in that section?"

Senator Washington: "Yes, I do."

Senator Holman: "My question relates to—I am not sure whether it is a public agency or not but it is established by statute—and that is the Washington State Bar Association. Would the board of governors of the Washington State Bar Association which is an integrated bar association be covered by this in your opinion?"

Senator Washington: "I do not believe they are paid for by public funds and I think that is the distinction."

Senator Holman: "I am asking you the question because I want it in the record as to whether meetings of the board of governors can be attended by anybody."

Senator Washington: "It was my impression and my feeling that they would not be covered and it was not the intention of the sponsors of the bill that an agency of that kind be covered."

Senator Holman: "Thank you."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Washington yield? Senator, do you intend section 2 to mean anything other than the clear and literal interpretation of the language as it now exists?"

Senator Washington: "No, I feel that the language is very specific in declaring that they have to be a public agency and I do not think it would be liberally construed. It would be strictly construed."

Further debate ensued.

#### POINT OF INQUIRY

Senator Greive: "I would like Senator Walgren to yield to a question. Senator Walgren, you made a statement that I presume would not be on the record and so I would like to have you repeat that statement in answer to this question. You are an attorney and do you understand that the rules of the board of governors of the Washington State Bar Association would be open to public inspection and view and the meetings could be attended if this bill were passed?"

Senator Walgren: "Yes, that would be my understanding of the law if this bill would be passed and that would be my intent upon voting upon it."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 485, and the bill passed the Senate by the following vote: Yeas, 31; nays, 10; absent or not voting, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Connor, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—31.

Voting nay: Senators Atwood, Canfield, Clarke, Guess, Matson, Metcalf, Neuschwander, Stender, Twigg, Woodall—10.

Absent or not voting: Senator Ridder—1.

Excused: Senators Cooney, Day, Donohue, Durkan, Gissberg, Huntley, McDougall—7.

ENGROSSED SENATE BILL NO. 485, having received the 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. 465, by Senators Andersen and Greive (by departmental request): Amending certain provisions for pilotage on Puget Sound.

The Senate resumed consideration of Senate Bill No. 465 on second reading, the point of order raised by Senator Guess on March 22, 1971 on the amendment by Senators Elicker and Greive.

#### RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order raised by Senator Guess, the President finds that Senate Bill No. 465 modifies the definition of 'Puget Sound and adjacent inland waters'; excludes from certain provisions of the law, vessels of the United States or Canadian registry; modifies some of the powers of and procedures before the Board of Pilotage Commissioners, and extends liabilities for pilot's compensation to persons requesting the pilot's service.

"The amendment proposed by Senators Elicker and Guess requires the pilot's boarding vessels navigating in Puget Sound and adjacent waters and other waters to provide the master of the vessel with copies of certain laws and regulations and requires pilots to report certain violations to the department of ecology.

"The amendment therefore does increase the scope and object of the bill and the point of order raised by Senator Guess is well taken."

The amendment by Senators Elicker and Guess was ruled out of order.

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

On page 2, section 2, line 2 after "enrollment and all" insert "*private*"

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 465 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. 465, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Voting nay: Senators Guess, Mardesich, Talley—3.

Absent or not voting: Senators Lewis, Matson—2.

Excused: Senators Day, Donohue, Durkan, Gissberg, Huntley, McDougall—6.

ENGROSSED SENATE BILL NO. 465, having received the constitutional 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 Greive, Engrossed Senate Bill No. 465 was ordered immediately transmitted to the House.

HOUSE BILL NO. 215, by Representatives Smythe, Marsh, Hoggins, Zimmerman, Charette, Bauer, Backstrom, Chatalas, Curtis, Mentor and Moon (by Secretary of State request):

Providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat.

The bill was read the second time by sections.

Senator Dore moved adoption of the following amendment:

On page 1, section 1, line 23, after "shall" restore the material on lines 23 to 25 within the parentheses and beginning on line 25 after the parentheses strike all of the rest of the language on page 1 and continuing on page 2 down to and including line 10.

Debate ensued.

## POINT OF ORDER

Senator Bailey: "Is Senator Ridder speaking on the amendment or the bill?"

## REPLY BY THE PRESIDENT

The President: "Senator Ridder will confine his remarks to the subject of the amendment."

Further debate ensued.

## POINT OF INQUIRY

Senator Mardesich: "Would Senator Henry yield to a question? Senator, where is the language, if anywhere, that would provide that the single column form of which you had a sample that you showed to us, would be held rather than that double column form?"

Senator Henry: "It is not in the bill. You mean the single column voting or the straight party line voting?"

Senator Mardesich: "The single column as differentiated from the double. It could affect my thinking as to how I would vote on this amendment."

Senator Henry: "I can demonstrate it to you Senator. It is hard to show you from here but it is strictly in the mechanics of the card. Where you have all the candidates for one office on one card, there is only a single row of holes. But where you have them on adjacent cards, then there are two rows of holes down that same center section."

Senator Mardesich: "Where in the law does it provide that this particular form will be used is the question?"

Senator Henry: "That is the language that Senator Dore is trying to strike out and replace the other language."

Senator Mardesich: "No, I do not think that is the same question."

Senator Henry: "All I can tell you is what has been told to me by the superintendent of elections."

Senator Mardesich: "Do any of these other RCW's, 29.30.030 or 29.30.020 apply or direct themselves to this particular question?"

Senator Henry: "I cannot answer that question, Senator. All I can tell you is that Ken Gilbert who has been superintendent of elections for many years testified on this particular bill and on this particular method of voting and told me as late as this morning that this amendment would certainly do a great disservice to the votomatic voting."

Debate ensued.

## MOTION

Senator Mardesich moved that House Bill No. 215 be ordered held on the second reading calendar for Monday, March 29, 1971.

## POINT OF ORDER

Senator Henry: "I raise a point of order that on Senator Mardesich's motion he made a speech before he made his motion. Maybe while we are thinking that point of order over I will have a chance to get the information. The purpose of this today, gentlemen of the Senate, there is an election being held Tuesday that is based on this particular bill and otherwise I would not be holding you here this afternoon."

## REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, the point of order is not correct because after I spoke I sat down and rose to be recognized again and what happens next Tuesday is no consequence to me in view of the fact that this bill will be affecting us all and will be affecting us for many years to come."

## RULING BY THE PRESIDENT

The President: "Senator Mardesich, the President believes that you sat down to listen to Senator Henry's reply and that you still maintained your position on the floor therefore the point of order presented by Senator Henry is well taken."

On motion of Senator Henry, the amendment by Senator Dore was laid upon the table on a rising vote.

Senator Dore moved adoption of the following amendment:

On page 2, section 2, line 16 following the parenthesis mark, insert "except Class AA counties"

Debate ensued.

On motion of Senator Atwood, the amendment by Senator Dore was laid upon the table on a rising vote.

Senator Whetzel moved adoption of the following amendment:

On page 1, section 1, line 27 after "RCW 29.30.020" insert "and RCW 29.30.040"

Debate ensued.

#### MOTION

Senator Foley moved that the amendment by Senator Whetzel be laid upon the table.

Senator Dore demanded a roll call and the demand was sustained by Senators Cooney, McCutcheon, Francis, Fleming, Peterson (Ted), Keefe, Whetzel, Murray and Connor.

#### ROLL CALL

The Secretary called the roll, the motion by Senator Foley carried and the amendment by Senator Whetzel was laid upon the table by the following vote: Yeas, 26; nays, 14; absent or not voting, 3; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Elicker, Foley, Guess, Henry, Holman, Jolly, Knoblauch, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Woodall—26.

Voting yea: Senators Clarke, Cooney, Dore, Fleming, Francis, Gardner, Greive, Keefe, McCutcheon, Murray, Peterson (Ted), Scott, Whetzel, Wilson—14.

Absent or not voting: Senators Canfield, Herr, Lewis—3.

Excused: Senators Day, Donohue, Durkan, Gissberg, Huntley, McDougall—6.

#### MOTIONS

On motion of Senator Twigg, Senator Lewis was excused.

On motion of Senator Andersen, Senator Woodall was excused.

On motion of Senator Henry, the following amendment was adopted:

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."

Senator Mardesich moved adoption of the following amendments:

On page 1, section 1, line 27, after the colon insert the following: "PROVIDED, That no page having a listing of candidates shall have opposite it any more than a single column of punch holes by which a person may indicate his vote."

On page 2, line 1 after "PROVIDED" insert "FURTHER"

Debate ensued.

The motion lost and the amendments were not adopted.

On motion of Senator Henry, the following amendments to the title were adopted:

In line 2 of the title after "29.34.080;" and before "amending" strike "and"

In line 3 of the title after "29.34.180" and before the period insert "; and declaring an emergency"

#### MOTION

Senator Henry moved that the rules be suspended, House Bill No. 215, as amended by the Senate, be advanced to third reading, the second reading considered the third and the bill placed on final passage.

Debate ensued.

#### MOTION

Senator Mardesich moved that House Bill No. 215, as amended by the Senate, be indefinitely postponed.

Debate ensued.

The motion by Senator Mardesich failed.

The motion by Senator Henry carried on a rising vote.

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Henry yield to question? I would like to know whether or not if this measure would affect Seattle in the immediate future? Do you know whether King county is planning on using this in the outlying areas to some time in the distant future?"

Senator Henry: "Senator Fleming, the only information I have, is that they have no intention of replacing their voting machines in King county proper. The only thing is, as I understand it, that in some school elections and so forth the voting machines that they have are too heavy to be moved around and hard to store and so forth. A lot of smaller precincts have been using paper ballots and that is what they plan to replace them for if they replace any. Anybody in their right mind is not going to scrap a bunch of two thousand dollar voting machines until they are worn out."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 215, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 7; excused, 8.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Elicker, Fleming, Foley, Gardner, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—34.

Voting nay: Senators Cooney, Dore, Francis, Greive, Herr, McCutcheon, Whetzel—7.

Excused: Senators Day, Donohue, Durkan, Gissberg, Huntley, Lewis, McDougall, Woodall—8.

HOUSE BILL NO. 215, 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 Henry, House Bill No. 215, as amended by the Senate, was ordered immediately transmitted to the House.

At 4:05 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Monday, March 29, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## EIGHTEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, March 29, 1971.

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 Dore, Durkan, Huntley and Lewis. On motion of Senator Greive, Senators Dore and Durkan were excused. On motion of Senator McDougall, Senators Huntley and Lewis were excused.

The Color Guard, consisting of Pages Christine Baker, Color Bearer, and Jay Fuller presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Almighty God and Father, we thank You for the weekend and the occasion it provided for physical and spiritual renewal. Guide us, we pray, as we face the responsibilities of a new day. Strengthen those who are weary; enlighten those who are perplexed; and renew the faith of those who are disillusioned. Deliver us from overweening pride and prejudice. Put far from us all selfishness, envy, and intemperate anger. Bless the Senators this day with that spirit of cooperation which will enable them to resolve their differences and bring to focus on the complex issues of our time the native talent and the accumulated wisdom of this body. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 18, 1971.

SENATE BILL NO. 682, creating a legislative municipal committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 9, 1971.

SENATE BILL NO. 843, establishing a board of park and recreational personnel examiners (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Jolly, Lewis, Mardesich, McCutcheon, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 862, implementing law relating to issuance of state warrants (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 26, 1971.

SENATE BILL NO. 884, authorizing housing authorities to undertake supplemental projects (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 25, 1971.

SENATE BILL NO. 903, relating to permitting a five percent differential on Washington produced fish feed (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Donohue, Gissberg, Matson, Metcalf, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 27, 1971.

HOUSE BILL NO. 88, providing that port districts of less than county size cannot be formed (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 26, 1971.

ENGROSSED HOUSE BILL NO. 645, providing for distribution of moneys from penalty assessments to traffic safety education account (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Foley, Guess, Jolly, Keefe, Knoblauch, Murray, Scott, Stender, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 26, 1971.

Mr. President: The House has passed SENATE BILL NO. 879, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 26, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 215 and has passed the bill as amended by the Senate. MALCOLM McBEATH, Chief Clerk.

March 29, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 215, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 26, 1971.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 155,  
 ENGROSSED HOUSE BILL NO. 261,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 379,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 510,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 541,  
 ENGROSSED HOUSE BILL NO. 555,  
 SUBSTITUTE HOUSE BILL NO. 561,  
 SUBSTITUTE HOUSE BILL NO. 595,  
 HOUSE BILL NO. 721,  
 HOUSE BILL NO. 782,  
 ENGROSSED HOUSE BILL NO. 798,  
 ENGROSSED HOUSE BILL NO. 841,  
 ENGROSSED HOUSE BILL NO. 859,  
 ENGROSSED HOUSE BILL NO. 873,  
 ENGROSSED HOUSE BILL NO. 1037,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 26, 1971.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 163,  
 SENATE BILL NO. 219,  
 SENATE BILL NO. 249,  
 SENATE BILL NO. 515,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.



## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 155, by Representatives Hansey, Bottiger and Copeland (by departmental request):

Extending open space taxation advantages to airport lands.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 261, by Representatives Shinpoch, Charnley, Douthwaite, Backstrom, Kilbury and Merrill:

Establishing standards of safety concerning the ability of a private motor vehicle to sustain shock.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, by Committee on Social and Health Services:

Waiving examinations required of applicants to practice certain healing arts.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 510, by Committee on Transportation:

Making appropriations for state highways.

Referred to Committee on Transportation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 541, by Committee on State Government:

Requiring nondiscrimination clauses in state contracts.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 555, by Representatives Cunningham, Van Dyk, Barden, Hoggins, Flanagan, Smith, Jones, Ceccarelli, Bluechel, North, Kiskaddon, Kraabel, Kirk, Brown, Charnley, Bauer, Mentor and Polk (by executive request):

Authorizing the parks and recreation commission to regulate vehicular traffic on ocean beaches.

Referred to Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

SUBSTITUTE HOUSE BILL NO. 561, by Committee on Social and Health Services:

Providing monetary grants on release of prisoners.

Referred to Committee on Public Institutions.

SUBSTITUTE HOUSE BILL NO. 595, by Committee on Natural Resources and Ecology:

Enacting the Pollution Disclosure Act of 1971.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 721, by Representatives Newhouse, Moon, Thompson and Berentson:

Directing negotiations for sale of certain trust lands to state parks and recreation commission for recreation purposes.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 782, by Representatives Lynch, May, Kirk and Marsh:

Authorizing certain nonprofit charitable organizations to be parental successors of mentally and/or physically deficient persons in state residential schools.

Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 798, by Representatives Bluechel, Maxie, Wojahn,

Chatalas, Ross, Backstrom, Barden, Bradley, Charnley, Douthwaite, Johnson, Knowles, Morrison, Randall, Williams and Van Dyk:

Relating to the operation and administration of state government.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 841, by Representatives Merrill, Paris, Adams, Lynch, Marzano and O'Brien:

Requiring that provision be made for handicapped persons in public accommodations.  
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 859, by Representatives Morrison, Charette, Hubbard and Grant:

Making certain housekeeping changes in the unemployment compensation laws and certain changes in collection procedures.

Referred to Committee on Labor and Industrial Insurance.

ENGROSSED HOUSE BILL NO. 873, by Representatives Morrison, North and Smythe:

Redistricting and reapportioning the state congressional districts.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 1037, by Representatives Hoggins, Brouillet, Marsh and Bauer:

Excepting children attending state residential schools from the compulsory school attendance law.

Referred to Committee on Education.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 879,  
HOUSE BILL NO. 215.

#### SECOND READING

SENATE BILL NO. 686, by Senators Greive, Stortini, Stender, Bailey, Ridder, Peterson (Lowell), Dore, Odegaard, Jolly, Mardesich, Peterson (Ted), Gissberg, Durkan, Francis, Fleming, Herr, Connor, Washington, Walgren and McCutcheon:

Making various changes in the industrial insurance law of this state.

#### MOTION

On motion of Senator Bailey, Senate Bill No. 686 was made a special order of business immediately following the noon recess.

SENATE BILL NO. 176, by Senators Wilson, Huntley and Peterson (Lowell):

Allowing municipal officers to contract with that municipality for up to thirty-six hundred dollars of business annually.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, Senate Bill No. 176 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. 176, and the bill passed the Senate by the following vote: Yeas, 34; nays, 8; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Washington, Whetzel, Wilson—34.

Voting nay: Senators Andersen, Atwood, Gissberg, Guess, Holman, Odegaard, Twigg, Woodall—8.

Absent or not voting: Senators Greive, Mardesich, Walgren—3.

Excused: Senators Dore, Durkan, Huntley, Lewis—4.

SENATE BILL NO. 176, having received the 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 Whetzel served notice that he would, on the next working day move that the Senate reconsider the vote by which Senate Bill No. 176 passed the Senate.

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

The Senate resumed consideration of Engrossed House Bill No. 86 on second reading. The committee amendment to page 4 having been adopted on March 10, 1971.

Senator Francis moved adoption of the committee amendment to page 5.

Debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Francis yield to a question? Senator, I am kind of curious about this weighting formula and I am wondering if that is in accordance with various court decisions on equal representation. If you are allowing one electoral vote for a thousand, and if a director represents a thousand and one, he gets three votes. Now I would like to have your answer to that if you will please."

Senator Francis: "Senator Canfield, there is no attempt here to make a precise compliance with any one-man one-vote idea. Again this is not a matter of representing the people, this is a matter of having a little more, we felt, weight given to some of the larger school districts but we did not want the larger school districts to be able to completely out vote the smaller ones either. So you will find that the weighting does not represent the true proportions at all in that sense. We felt that we could go with simply one school director one vote but that was not precisely fair either and we considered all of the different points of view and felt that this was fair enough that it would be acceptable. I think that we have had no complaints from any of the school directors as far as what kind of weighting they would get to their vote. It is a situation in which you do not need precise one-man one-vote representation and therefore we just felt that it would be better to have it in this simple breakdown."

Further debate ensued.

#### MOTION

At 11:40 a.m., on motion of Senator Greive, 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 Atwood, there being no objections, the special order of business,

Senate Bill No. 686 on second reading, was ordered to hold its place on the calendar for Tuesday, March 30, 1971.

### SECOND READING

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

The Senate resumed consideration of Engrossed House Bill No. 86 and the pending committee amendment to page 5.

### POINT OF INQUIRY

Senator Canfield: "Will Senator Francis yield? Senator, I was going to ask you a question but maybe the answer is in the statement that was laid on our desks since lunch, which I think is signed by Senator Walgren, but at any rate we have had that same communication. My question to you is this, has this amendment taken care of the problem raised by the county commissioners?"

Senator Francis: "To what problem do you refer, Senator Canfield?"

Senator Canfield: "I am referring to the expenditures for this program which are pushed onto the county commissioners against their objection."

Senator Francis: "Senator Canfield, I would like to yield to Senator Ridder on that if I may."

Senator Ridder: "Many of these expenses they are talking about such as free telephone service, free computer time, free janitorial service, free heat and lights, free maintenance service by county motor pool, free use of county cars, voting expenses and so on are now already assumed by the counties. This is sort of a spurious discussion but this is not a discussion for this immediate amendment."

Senator Walgren: "In answer to Senator Canfield, the answer is no."

Senator Canfield: "I just wanted to thank Senator Walgren for a specific answer to a specific question. Thank you, Senator Walgren."

Further debate ensued.

### POINT OF INQUIRY

Senator Atwood: "Would Senator Bailey yield? Senator, would it not be better to put the bill into the committee on cities, towns and counties after we vote on this amendment and get a more favorable consideration from that committee on the amendments that are pending on our desks?"

Senator Bailey: "Mr. President, the committee on education has studied this bill and I feel it should go back to that committee but the heart of the bill is right in this amendment. The committee cannot really act on the other amendments until they see the wish of the body as to whether or not we want to eliminate public election or weighted election of the intermediate school district directors and a few of those things that are in this monumental amendment."

The motion by Senator Francis failed and the committee amendment to page 5, was not adopted on a rising vote.

### MOTION

On motion of Senator Bailey, Engrossed House Bill No. 86, as amended by the Senate, was referred to the Committee on Education with instructions to the committee to report back to the Senate on Tuesday, April 6, 1971.

SENATE BILL NO. 627, by Senators Francis, Durkan, Peterson (Ted), Stender and Stortini:

Adding changes to the law relating to the collective bargaining of public employees.

The bill was read the second time by sections.

On motion of Senator Matson, the following amendment was adopted:

On page 1, section 1, line 10, strike "*quasi municipal corporation*,"

Senator Stender moved adoption of the following amendment:

On page 2, section 3, line 23, following "bargaining agreement." add a new subsection (3) as follows: "*(3) Contain provisions for retroactive wages.*"

Debate ensued.

The motion failed and the amendment was not adopted on a rising vote.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 627 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 Canfield: "Mr. President, will Senator Stortini yield? Senator, you will remember when we had Senate Bill No. 162 before your committee providing for arbitration of certain disputes in irrigations districts, it apparently could not get out of your committee and apparently it is included in this bill. Is that correct?"

Senator Stortini: "Yes, you are right there, Senator."

Senator Canfield: "Can you tell me why it is included in this bill and yet the other bill could not move?"

Senator Stortini: "There is no arbitration, Senator."

Senator Canfield: "There is no binding arbitration in the bill we are now voting on?"

Senator Stortini: "No compulsory binding arbitration."

Senator Canfield: "That is not the way I read it. Maybe I am mistaken but I thought this arbitration was binding."

Senator Stortini: "No, Senator, it is not."

Senator Canfield: "I thought in line 21 on page 2, it says 'provide for binding arbitration'."

Senator Stortini: "That is only if both parties agree, Senator."

Senator Canfield: "I will go back to my original question. Why is this bill a good bill and Senate Bill No. 162 is a bad bill?"

Senator Stortini: "Senator, Senate Bill No. 162 is a completely different bill dealing with irrigation districts and in order to get the bill out of committee you have to have four signatures and we just were not able to get four signatures."

Senator Canfield: "It was a good bill but you could not get four signatures, is that what you mean?"

Senator Stortini: "That is the only answer I have, Senator Canfield."

#### POINT OF INQUIRY

Senator Wilson: "Mr. President, would Senator Francis yield to a question? Senator, does this bill, Substitute Senate Bill No. 627, include any provisions under which there would be compulsory binding arbitration and by that I mean that a dispute could be submitted to binding arbitration without the voluntary agreement of both parties concerning the submission?"

Senator Francis: "Senator Wilson, you are referring to Senate Bill No. 627 and the answer is no, there is binding arbitration provided for but it is not compulsory. It is only in case both parties agree to submit to the arbitration."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 627, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Wilson—30.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Lewis, McDougall, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel, Woodall—16.

Absent or not voting: Senators Henry, Matson—2.

Excused: Senator Huntley—1.

ENGROSSED SENATE 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.

SENATE BILL NO. 354, by Senators Walgren, Holman and Durkan:

Establishing minimum standards for law enforcement officers and fire fighters.

## MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 354 was substituted for Senate Bill No. 354 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. 354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 354, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Matson, Metcalf—2.

Excused: Senator Huntley—1.

SUBSTITUTE SENATE BILL NO. 354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 441, by Senators Andersen, Walgren and Newschwander:  
Making it a crime to interfere with any court.

## MOTION

On motion of Senator Gissberg, Substitute Senate Bill No. 441 was substituted for Senate Bill No. 441 and the substitute bill was placed on second reading and read the second time in full.

Senator Durkan moved adoption of the following amendments:

On page 3, section 2, line 2, strike "One dollar" and insert "Two dollars"

On page 3, section 2, line 5, strike "Three dollars" and insert "Two dollars"

## POINT OF INQUIRY

Senator Woodall: "Will Senator Durkan yield? Senator, does this raise the fee the way the bill was or the way it was amended in the Senate judiciary committee?"

Senator Durkan: "My amendment does nothing more than distribute the amount of dollars. The Senate judiciary committee had one dollar going to the general fund and three dollars to the issuing agency. I am saying two dollars should go to the general fund and two dollars to the issuing agency and both of them will then receive substantial amounts and at the same time it accomplishes what the department request bill is in the House bill that was sent over from the House and is now before the Senate."

Senator Woodall: "Your bill in and of itself then does not increase the fees?"

Senator Durkan: "No, it does not. All I do, Senator, is we distribute it."

The motion carried and the amendments were adopted.

On motion of Senator Gissberg, the following amendment was adopted:

On page 3, section 2, beginning on line 7, underline all the material down to and including "chapter" on line 11.

On motion of Senator Gissberg, the following amendment by Senators Gissberg and Andersen was adopted:

On page 10, section 16, line 10, after "be" strike the remainder of line 10 and all of line 11, and insert "guilty of a gross misdemeanor."

On motion of Senator Gissberg, the rules were suspended, Engrossed Substitute Senate

Bill No. 441 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: "Mr. President, would Senator Walgren yield to a question? Senator, I notice that now we are going to fingerprint all those people who, if I understand it correctly, wish to have a permit.

"I have a lot of letters from people in my district and from gun clubs that are opposed to this particular bill because they say it is the beginning of the infringement of their right to bear arms. In the past they have never had to be fingerprinted. They have always gone in and paid their fee for a permit and have never had any problems.

"I understand, and you might correct me on this, that it is necessary for people who belong to gun clubs transporting small arms in automobiles to have a permit. Are we really beginning on a program of trying to tie down these people who do use small arms for sport and so forth to the point where we are going to completely eliminate anyone from having the right to have a small arm?"

Senator Walgren: "Senator Donohue, what we are trying to tie down is those persons who are using small arms for felonious purposes, for murder and for assault and things of this nature in this bill.

"I think that you perhaps misquote your constituents when they said they were necessarily against the bill. They may have raised some question in regard to fingerprinting. I know that with regard to persons who are applying for federal employment in various agencies, that there is no difficulty at all and no problem has been raised by them when they are asked to be fingerprinted at this time. This is simply to provide some identification facilities in case there is a situation where criminal activity is present."

Senator Andersen: "If I may be permitted to, I would like to expand Senator Walgren's answers to Senator Donohue's questions so that the record be extremely clear. I appreciate the concern that you have evinced, Senator Donohue. I have had some people write me letters and say, is this going to require registration of firearms? It is definitely not. This is very clearly delineated as to what it does. It does three things. One, it says that no person who has been guilty of a felony shall be able to bear a concealed weapon or get a license. It says that no person who has committed a crime, a gross misdemeanor involving force or violence, shall be entitled to get a gun permit. This is a guy that goes off half cocked and beats somebody up with a baseball bat or something like that. It says, thirdly, that a fingerprint is required and the only reason that a fingerprint is required on the license is to keep the felon and the person who has been convicted of crimes and violence who should not under anybody's definition be carrying a concealed weapon or have a permit to, seeing to it that that person does not simply give the name Joe Jones and then get a permit under an assumed name.

"So the idea is aimed entirely and completely, it is the intent of the sponsors of the bill, that this law insofar as it relates to carrying concealed weapons, shall be aimed at the person who has been convicted of felonies or crimes involving violence and seeing to it that people like that, who have not any business in the world carrying a concealed weapon, do not get a permit to carry a concealed weapon, must carry it unlawfully and therefore be guilty of a felony in carrying it unlawfully."

Further debate ensued.

#### POINT OF INQUIRY

Senator Day: "Thank you, Mr. President. Would Senator Andersen yield? Senator, does this change the application requirement in any other way than requiring fingerprint identification as to cost or method of application?"

Senator Andersen: "Yes, there is a little bit of a change as far as the cost is concerned. Senator Durkan addressed himself to that here on the floor of the Senate. There was some discussion of it in the judiciary committee.

"The way it is now it increases the cost a few dollars. Presently, local government who fills out the license and prepares it does not get anything for this. This gives a little bit back to them to approximately the amount they spend on the service. In other words, local government has been burdened with providing these licenses, doing the work in connection with issuing these licenses and without being given any compensation for it. The money went to the state but now enough of it goes back to the local government to permit the police department to, and so on, get paid for the work that they do."

Senator Day: "Presently, Senator, the cost of it is a dollar and it has to be renewed annually. Do you know what the new requirement is?"

Senator Andersen: "I might just add, Senator Day, that the testimony of the various local officials and the other people before the judiciary committee was that the present fee did not pay the actual cost of processing the license. None of it came back to the local people. So that has been taken care of and there were some pretty penetrating questions asked in order to keep the cost of that down because nobody wanted to make a general increase."

Senator Day: "One more question. If a person applies for a gun permit and they find in checking his record that he is not entitled to a gun permit, how is this going to help in the apprehension of the criminal who goes out and steals a gun? So what we are really doing is tightening down the legal use of handguns. Is that correct, Senator?"

Senator Andersen: "No, I do not think so. What this bill is doing is a simple thing.

"The intent is to see to it that a person of the prohibited class, namely, convicted felons, persons guilty of gross misdemeanors involving force and violence, that these people cannot legally carry a gun. They are the kind of people that are not fit to carry guns in my judgment and hopefully in the judgment of the Senate and the rest of the members of the legislature.

"The only way we can be sure that those people cannot get guns is to require a fingerprint so the fingerprint can be checked and if they have been convicted of a crime. So far as the individual citizen is concerned, I have no doubt that we will probably be getting to fingerprints on driver's licenses, just simply because people who do not have licenses change the names and go in and get licensed. It is merely an identification problem designed to screen out the convicted felons and persons convicted of crimes of violence.

"As far as any apprehension is concerned, if they found the fingerprints of a felon on a gun, that person's fingerprints are already going to be on record someplace anyway. Just to see to it that a man that has committed armed robbery or assault or something like that does not go in and pick up a gun legally and then go off on the spur of the moment and commit some additional crime of violence."

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator Andersen yield? Is there a waiting period between application and issuance of the permit, and how long is that?"

Senator Andersen: "It is a period, to my recollection, that it is twenty-four hours. I stand subject to correction, but it is at least twenty-four hours. Then what they do is, I believe, run the name through the identification records. In my home town, Bellevue, the Bellevue police would check it and they would check it out probably with the Seattle police department and King county sheriff. Senator Peterson (Ted) advises me that it is seventy-two hours."

Senator Donohue: "Senator, if I want a gun permit and I haven't been convicted as a felon or anything, like in my community where the sheriff issues a gun permit and he knows the individual and he knows that this particular individual belongs to a gun club then he cannot issue the permit for seventy-two hours and he is going to have to take this individual's fingerprints and he is going to have to check out to see whether this fellow is a good citizen. It seems a little bit odd that in some communities there is nothing left to the issuing officer in any way. Could you comment on that?"

Senator Gissberg: "Let me try to answer that question, if I may, Senator Donohue. We are not changing the existing law in any respect on that particular issue except, if you will allow me to indicate what the present law is. That is, that subject to the seventy-two hour rule mentioned by Senator Peterson, anyone who has the existing authority to issue a permit for a concealed weapon, that is a judge, chief of police or the sheriff of the county, must within thirty days after the filing of that application, issue the license. I am talking about existing law now and that part is not changed in this unless, the existing law says, there exists a record of his prior court conviction of a crime of violence. Now that is the existing law.

"So that your question would be equally applicable to the existing law. So all we have done in that particular connection is change the wording, the prohibition of issuing a license to one convicted of a crime of violence to one who is convicted of a felony or another crime involving violence. So that we do not change that aspect of it in any way, shape or form. But it is true, of course, that the existing law is such and I am confident that the practical administration of it is, that if the sheriff knows the individual, he would know whether the guy had a record in any event, undoubtedly, that they do not wait the thirty days before they get their fingerprints back to see whether the fellow had been convicted of a felony now, nor do I believe they would under this new language."

#### POINT OF INQUIRY

Senator Canfield: "Would Senator Woodall yield? Senator, as I read this bill, if you had a collection of these guns, then would you have to pay a three dollar license each year on each of those guns in your collection?"

Senator Woodall: "I do not read it that way. As long as they stayed in a fixed abode you would not need it anyway. This I think just has to do with the carrying of them."

Senator Canfield: "I think it says here if it is in your possession. I am kind of curious about that. I would like to have an answer from some of these legal beagles."

Senator Gissberg: "As I understand your question, if you have a gun collection, as such, whether or not you would have to pay a license each year on each of those guns?"

Senator Canfield: "Yes, Senator, if you had a collection."

Senator Gissberg: "I would say if you wanted it, and this is a curbstone opinion which is probably worthy as much as you are paying for it, Senator, but the act does say that the



permit is necessary for such person to carry a pistol concealed on his person. I do not think under the fact that you have given that the gun collection would be concealed on his person.

"Now you read further, concealed on his person for the purposes of protection or while engaged in business, sport or while traveling. Those clauses modify that portion of it which says concealed on his person. Therefore, I do not believe the situation that you put would require the permit because they would not be concealed on your person."

Further debate ensued.

### POINT OF INQUIRY

Senator Fleming: "Mr. President and fellow members, would Senator Walgren elaborate on section 16?"

Senator Walgren: "Yes, Senator Fleming, and in response to your inquiry and also to the statement of Senator Ridder, I think that you have to read the first three lines particularly, Senator Ridder. Anybody or whoever, 'with the intent of interfering with, obstructing or impeding the administration of justice'. Now nobody has the right to do that, Senator Ridder. The example that you set forth where you can gather peaceably outside the courtroom is entirely different than what this particular section of the bill is aimed for.

"Now the question of proving intent, Senator Fleming, of course is always a problem for attorneys in the prosecution of any criminal case because one of the basic elements of a criminal violation is an intent to commit the particular crime. Of course this is a matter of gathering the various evidence, the remarks that are made, the actions that are done by the person who is accused and presenting it to a jury as to whether or not those acts, those remarks, the witnesses that testify, can show that there is the intent to impede and obstruct."

Senator Fleming: "In regard to the University of Washington, could not it be in fact that just by the mere gathering, as Senator Ridder has mentioned, in front of the court with a demonstration, could that or could that not, without blocking something and forcefully keeping people out or trying to force themselves in, could that not be construed as the intent?"

Senator Walgren: "I think that there is a good possibility that it might very well have that result if there was indeed the intent on the part of the people that are doing it to obstruct or to impede the administration of justice."

Senator Andersen: "Just so the record is completely clear, and I think it is necessary and important that when we are talking about these criminal statutes that the record be clear.

"In further response to your question, Senator Fleming, and the one that was really posed by Senator Ridder also, two points: One, this section that we are referring to here, relative to picketing with the intent to disrupt the court proceedings is presently the law relating to federal courts. It has been construed in numerous cases. It has been upheld.

"The law that we are putting in here is not something that Senator Walgren and I sat down and figured out might be good language. We took the federal statute. We lowered the penalty somewhat simply to accord with our gross misdemeanor classification.

"The second point, and I think this is something that we all understand here, is that we believe that a lot of the attacks that are made on the republic and its institutions today have shifted from the ones that have customarily been made on legislative assemblies and things like that, shifted directly to the court system. We see that in some of the trials that we have, whether a person agrees or disagrees with a particular case or the offense charged, we see intentional disrupting for the first time in history of our courts. We see the same thing being carried on outside of the court. Inside the courtroom, the judge has the power of contempt. He can say, 'Bailiff, sheriff, or so and so, pick that man up and throw him out', or 'pick him up and put him in the jailhouse and we are going to charge him with contempt and try him with that', because the contempt is committed in the presence of the judge. However, you get out in the corridor outside of the court, you get into the lobby of the courthouse, get out in the street where they are standing committing the most outrageous acts.

"We, at the present time in the state of Washington, do not have a legal tool that our law enforcement people can use to protect the courts and the juries and the witnesses. This whole judicial institution, this whole third branch of government, of the court, is right now in this state very vulnerable to this particular problem and you cannot find a single judge, I do not believe, in this state, that will say that this statute is not necessary. They have not talked about it because once you talk about it you reveal the weakness.

"Here I think where we are debating the matter in the Senate and we are considering enacting this into part of the substantive criminal law of this state, we have to lay that on the line. We do not have a law now to deal with what is a very big and very major and very real problem in our judicial system in this state."

Senators Keefe, Gissberg and Francis demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 441.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 441, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—42.

Voting nay: Senators Day, Donohue, Fleming, Ridder, Wilson—5.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Huntley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 441, having received the constitutional 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 3:05 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, March 30, 1971.

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

## NINETEENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, March 30, 1971.

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 Francis, Greive and Huntley. On motion of Senator Fleming, Senator Francis was excused. On motion of Senator McDougall, Senator Huntley was excused.

The Color Guard, consisting of Pages David Petrich, Color Bearer, and Ann Bammert, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Eternal Spirit who at the first didst brood over chaos and bring order out of it, brood, we pray, over our souls. For amid the pressures of this present age our lives become disordered and lose their meaning, direction and aim. Give unto our legislators wisdom and perseverance as they wrestle with budgetary matters. Amid the give and take of political encounter keep before them the despairing faces of those in want. Help our Senators find the best possible solution to the problem of great needs and limited resources. Amen."

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

## SECOND READING

SENATE BILL NO. 884, by Senator Foley:

Authorizing housing authorities to undertake supplemental projects.

The bill was read the second time by sections.

On motion of Senator Foley, the rules were suspended, Senate Bill No. 884 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Mr. President, will Senator Foley yield to a question? Does this apply specifically just to that one case or is this a general enactment for other areas of the state?"

Senator Foley: "This is a general enactment. I might state that the situation in Vancouver, Washington, the housing authority there happens to be one of the few housing authorities in the state of Washington that has any substantial local funds to expend and they have to be expended in particular ways after hearings with the cooperation of the school board. What we are attempting to do is find out manners and means in which we can spend the money for the good of the order down there. The funds are more or less tied up now. We gained that money through the sale of wartime housing and now we want to do something toward getting rid of it."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 884, and the bill passed the Senate by the following vote: Yeas 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich,

Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senator Greive-1.

Excused: Senators Francis, Huntley-2.

SENATE BILL NO. 884, having received the constitutional 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, the Senate returned to the first order of business.

There being no objection, Senator Herr was excused.

#### REPORT OF STANDING COMMITTEE

March 26, 1971.

SENATE BILL NO. 612, removing the prohibition against the sale of intoxicating liquors on election days (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman; Cooney, Donohue, Greive, Holman, Keefe, Mardesich, Washington, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

#### MESSAGES FROM THE HOUSE

March 29, 1971.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 257,  
ENGROSSED HOUSE BILL NO. 323,  
HOUSE BILL NO. 403,  
HOUSE BILL NO. 451,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 596,  
ENGROSSED HOUSE BILL NO. 803,  
ENGROSSED HOUSE BILL NO. 817,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 29, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 879, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 25, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 47 with the following amendments:

On line 3 of the title of the engrossed bill, after "RCW 46.01.260" and before the period insert "; amending section 6, chapter 169, Laws of 1963 and RCW 46.29.060; and declaring an emergency"

On page 1, following section 1 add the following sections:

"Sec. 2. Section 6, chapter 169, Laws of 1963 and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person [in excess] of [one] two hundred dollars or more.

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.",

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

March 29, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 857 with the following amendments:

On page 3, section 1, line 18 after "active military service" and before the period insert the following: " : PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month"

On page 6, section 2, line 1 after "active military service" and before the period insert the following: " : PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month"

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

Senator Wilson moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 857, and that the House be asked to recede therefrom.

Debate ensued.

#### MOTION

Senator Holman moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 857.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Holman that the Senate do concur in the House amendments to Engrossed Senate Bill No. 857.

The motion carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 857, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Day, Foley, Gissberg—3.

Excused: Senators Herr, Huntley—2.

ENGROSSED SENATE BILL NO. 857, 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

At 11:30 a.m., on motion of Senator Bailey, 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 Keefe, Senators Foley and Gissberg were excused.

At 1:40 p.m., on motion of Senator Greive, the Senate recessed until 3:25 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:25 p.m.

## SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 857.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 916, by Senators Fleming and Whetzel:

An Act relating to property tax exemptions; providing for exemption of certain persons from payment of the first fifty dollars thereof; including certain cooperatively owned apartments within the definition of "residence"; and amending section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE BILL NO. 917, by Senators Elicker and Day:

An Act relating to revenue and taxation; and amending section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020; adding a new section to chapter 84.56 RCW; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation.

SUBSTITUTE HOUSE BILL NO. 257, by Committee on Social and Health Services:

Permitting liens for child support payments.

Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 323, by Representatives Charette, Martinis and Conner:

Providing for the conservation of salmon resources by limiting the number of commercial salmon licenses.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 403, by Representatives Kopet, May and Pardini:

Authorizing the issuance of revenue warrants under the Municipal Airports Act of 1945.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 451, by Representatives Pardini, Bottiger, Kopet, Curtis, Litchman and Lynch (dy departmental request):

Authorizing the department of social and health services to provide child support services.

Referred to Committee on Public Institutions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 596, by Committee on Business and Professions:

Providing for changes in priority of claims on contractors' bonds.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 803, by Representatives Flanagan, Perry and Pardini:

Providing that state finance committee shall control incurrence of state debt.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 817, by Representatives Flanagan, Perry and Pardini:  
Providing for issuance of general obligation bonds for indebtedness of Washington state building authority.

Referred to Committee on Ways and Means—Revenue and Taxation.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Whetzel moved that the Senate do now reconsider the vote by which the Senate passed Senate Bill No. 176.

MOTION

Senator Greive moved that the Senate do now adjourn.

PARLIAMENTARY INQUIRY

Senator Whetzel: "Will my motion for reconsideration be considered tomorrow?"

REPLY BY THE PRESIDENT

The President: "The motion will be in order tomorrow, Senator Whetzel. You could, if it is considered tomorrow, re-place the motion if you so desire but this action to adjourn does not preclude your motion."

MOTION

The motion by Senator Greive carried and at 3:30 p.m., the Senate adjourned until 11:00 a.m., Wednesday, March 31, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, March 31, 1971.

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 Foley and Huntley. On motion of Senator Keefe, Senator Foley was excused. On motion of Senator McDougall, Senator Huntley was excused.

The Color Guard, consisting of Pages Geoff Norwood, Color Bearer, and Liz Davis, presented the Colors. Reverend Charles A. Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Almighty God Who hast 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 head. Spare them from being discouraged by their predicament or intimidated by critics who condemn from the security of the shore. May the coursing flood of work provide for the legislators an additional incentive for further cooperative effort in harnessing to constructive ends the resources of our state. Amen."

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

## REPORTS OF STANDING COMMITTEES

March 22, 1971.

SENATE BILL NO. 214, providing for approval of facilities, plans and programs for alcoholism and allocating financial assistance (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 22, 1971.

SENATE BILL NO. 257, providing certain changes in the advisory committee on vendor rates and in its powers and duties (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 22, 1971.

SENATE BILL NO. 295, authorizing board of health to set expiration dates for boarding homes, nursing homes, hospitals and private establishments (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 26, 1971.

SENATE BILL NO. 622, relating to unemployment (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.



March 29, 1971.

SENATE BILL NO. 866, setting financial responsibility standards for residence of state residential schools (reported by Committee on Public Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 866 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Sandison, Scott, Stortini, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

ENGROSSED HOUSE BILL NO. 38, extending and expanding real property tax exemption to sectarian organizations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Gissberg, Huntley, Lewis, Mardesich, Odegaard, Peterson (Ted), Ridder, Stortini, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

### GUBERNATORIAL APPOINTMENT

March 9, 1971.

SIDNEY E. SMITH, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on July 1, 1970 for the term ending at the Governor's pleasure (reported by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Cooney, Elicker, Keefe, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules.

### MESSAGES FROM THE GOVERNOR

Office of the Governor, March 29, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has approved the following Senate Bills, entitled:

SENATE BILL NO. 49: Providing certain changes in the regulation of motor vehicle wreckers.

SENATE BILL NO. 56: Providing certain changes relating to the department of civil defense.

SENATE BILL NO. 172: Providing for changes in the law relating to highway relocation payments.

SENATE BILL NO. 302: Providing for destruction of noncurrent public records.

SUBSTITUTE SENATE BILL NO. 352: Providing use tax exemption for certain motor vehicles and trailers.

SENATE BILL NO. 496: Implementing law relating to homesteads, including awards in addition to or awards in lieu of.

Sincerely,

CHARLES B. WIGGINS  
Legislative Counsel.

Office of the Governor, March 29, 1971.

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

GENTLEMEN:

I return herewith without my approval as to one item, ENGROSSED SENATE BILL NO. 380, entitled:

"An Act relating to insurance; amending section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260; adding new sections to chapter 79, Laws of 1947 and a new chapter to Title 48 RCW; adding a new section to chapter 48.20 RCW; and adding a new section to chapter 48.21 RCW."

This bill adopts a comprehensive scheme for the regulation of insurance holding company systems. Section 11 of this bill requires that insurers notify the Insurance Commissioner at least sixty days prior to making certain extraordinary dividends or distributions to stockholders. Insurers may, by the last sentence of this section, declare such dividends conditional upon the Commissioner's approval "within the thirty-day period referred to above."

Clearly this is a drafting error in that the period referred to earlier in this section is a sixty day period. A veto of the words, "thirty days", will cure this inconsistency with no change in substance.

With the exception of the item in section 11, the remainder of the bill is approved.  
 Respectfully submitted,  
 DANIEL J. EVANS  
 Governor.

### MOTIONS

On motion of Senator Day, Engrossed Senate Bill No. 380 and the Governor's partial veto message was ordered immediately transmitted to the Secretary of State.

Senator Gissberg moved that the Senate concur in the House amendments, as contained in the House Message read on March 30, 1971, to Engrossed Senate Bill No. 47. Debate ensued.

### PARLIAMENTARY INQUIRY

Senator Holman: "As I read Senate Bill No. 47 in my book it indicates that we adopted a committee amendment on the floor when this bill was before us where we struck all of sections 2 and 3 of this bill. Section 3 having to do with the implied consent so it seems to me that both Senators Woodall and Metcalf are in error so that Senator Metcalf could easily vote for the bill and Senator Woodall probably would not have concurred. Am I correct in that?"

### REPLY BY THE PRESIDENT

The President: "The President believes it advisable to read the entire bill, Senator Holman. There are only two paragraphs. The Secretary will please read."

The motion by Senator Gissberg carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 47.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 47, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson—43.

Voting nay: Senators Metcalf, Sandison, Talley, Woodall—4.

Excused: Senators Foley, Huntley—2.

ENGROSSED SENATE BILL NO. 47, 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.

Senators Greive, Stortini and Connor 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 Senators Foley and Huntley who had previously been excused.

On motion of Senator Greive, the Senate proceeded subject to roll call.

## MESSAGES FROM THE HOUSE

March 30, 1971.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 84,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 214,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 219,  
 ENGROSSED HOUSE BILL NO. 396,  
 HOUSE BILL NO. 416,  
 ENGROSSED HOUSE BILL NO. 479,  
 HOUSE BILL NO. 486,  
 ENGROSSED HOUSE BILL NO. 575,  
 ENGROSSED HOUSE BILL NO. 644,  
 ENGROSSED HOUSE BILL NO. 659,  
 ENGROSSED HOUSE BILL NO. 668,  
 ENGROSSED HOUSE BILL NO. 735,  
 HOUSE BILL NO. 739,  
 ENGROSSED HOUSE BILL NO. 743,  
 SUBSTITUTE HOUSE BILL NO. 768,  
 HOUSE BILL NO. 773,  
 HOUSE BILL NO. 800,  
 ENGROSSED HOUSE BILL NO. 816,  
 HOUSE BILL NO. 832,  
 ENGROSSED HOUSE BILL NO. 853,  
 HOUSE BILL NO. 860,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 915,  
 HOUSE BILL NO. 984,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

March 30, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 857, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 24, by Senator Guess:

Permitting the consideration of a bill to correct a manifest clerical error.

On motion of Senator Guess, the rules were suspended, Senate Concurrent Resolution No. 24 was advanced to second reading and read the second time in full.

## POINT OF INQUIRY

Senator Bailey: "Would Senator Guess yield? Senator, this resolution merely opens our resolution relating to the introduction of bills but this is a Senate resolution only?"

Senator Guess: "No sir, it is a concurrent resolution, Senator Bailey. It has to be concurrent in order to correct the inadvertance."

## POINT OF INFORMATION

Senator Bailey: "The fact is that the only resolution we have which closes off the introduction of bills which you are trying to suspend, is the resolution of the Senate itself. No joint resolution. Now the point is whether or not you need a joint resolution or whether you need a Senate resolution."

## REPLY BY THE PRESIDENT

The President: "The Secretary will please re-read the Senate Concurrent Resolution and the explanation may be offered in the resolution."

## MOTIONS

On motion of Senator Guess, the rules were suspended, Senate Concurrent Resolution No. 24 was advanced to third reading, the second reading considered the third and the resolution was adopted.

On motion of Senator Guess, Senate Concurrent Resolution No. 24 was ordered immediately transmitted to the House.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 84, by Representatives Harris, Bottiger, Wolf, Barden and Litchman (by Legislative Council request):

Regulating charitable trusts and similar relationships and requiring reports thereof.  
Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, by Committee on Elections and Apportionment:

Placing a time limit on recalls.  
Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 219, by Committee on Social and Health Services:

Establishing a program of drug rehabilitation and education.  
Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 396, by Representatives Berentson, Wanamaker and Spanton (by departmental request):

Providing that state may elect to move buildings from condemned land.  
Referred to Judiciary Committee.

HOUSE BILL NO. 416, by Representatives Farr, Ceccarelli and Kirk (by departmental request and Joint Committee on Governmental Cooperation request):

Amending certain public assistance laws.  
Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 479, by Representatives Hoggins, Randall and Cunningham (by Joint Committee on Education request):

Changing law relating to nonhigh school district aid to high school districts.  
Referred to Committee on Education.

HOUSE BILL NO. 486, by Representatives Kopet, Marsh and Goldsworthy (by departmental request):

Pertaining to motor vehicle excise tax distributions.  
Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 575, by Representatives Morrison, Moon, Newhouse, Wolf, Lynch and Smythe:

Providing that counties may elect an average base commitment rate for the subsidized probation program.  
Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 644, by Representatives Gallagher, Mentor and Beck:  
Extending liability for penalties for overloading to person controlling loading of the vehicle.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 659, by Representatives Mentor, Barden, Cunningham, Costanti, O'Brien, Conner, Berentson, Randall and Adams (by executive request):

Authorizing an evaluation of cross sound transportation and the preparation of a development plan therefor.  
Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 668, by Representatives Johnson, Benitz and Kilbury:

Providing for quarterhorse representation in racing commission.  
Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 735, by Representatives Morrison, McCormick and Hubbard:

Revising the workmen's compensation law.

On motion of Senator Greive, the rules were suspended, Engrossed House Bill No. 735 was advanced to second reading and read the second time in full on a rising vote.

#### MOTION

On motion of Senator Stender, Engrossed House Bill No. 735 was referred to the Committee on Labor and Industrial Insurance.

#### SECOND READING

SENATE BILL NO. 686, by Senators Greive, Stortini, Stender, Bailey, Ridder, Peterson (Lowell), Dore, Odegaard, Jolly, Mardesich, Peterson (Ted), Gissberg, Durkan, Francis, Fleming, Herr, Connor, Washington, Walgren and McCutcheon:

Making various changes in the industrial insurance law of this state.

The bill was read the second time by sections.

#### PARLIAMENTARY INQUIRY

Senator Greive: "Mr. President, we have no particular objection if Senator McDougall wants to work out the presentation of his amendments in any way he wishes and he gives adequate explanation, why I do not think we have problem. We have no objection to him presenting his amendments in any way he sees fit."

#### REPLY BY THE PRESIDENT

The President: "The President and the Secretary were just referring to Reed's Rule 156. As long as there are no objections and if it is agreed among the members, the Senate may consider your amendment striking all after the enacting clause if it so desires."

On motion of Senator Greive, the following amendments by Senators Greive, Durkan, Bailey, Stortini and Dore were adopted:

On page 12, section 10, line 32 after "[twenty-five]" strike "forty" and insert "eighty-five"

On page 13, section 10, beginning on line 1 before "receiving" insert "or temporarily totally disabled workman"

On page 13, section 10, line 1, after "a pension" and before "under this" insert "or compensation for temporary total disability"

On page 13, section 10, line 16, after "from the" strike everything down to and including "the legislature" on line 17 and insert "[funds appropriated by the legislature] supplemental pension fund"

On page 13, section 10, beginning on line 26 strike everything down to and including the period in line 27 and insert the following:

"[The legislature shall make biennial appropriations to carry out the purposes of this section.]

**NEW SECTION.** Sec. 11. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Each employer shall retain from the earnings of each workman that number of cents as shall be fixed from time to time by the director for each day or part thereof the workman is employed. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department at such intervals as the department directs and shall be placed in the supplemental pension fund created by this 1971 amendatory act. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

**NEW SECTION.** Sec. 12. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments prescribed in RCW 51.32.070.

**NEW SECTION.** Sec. 13. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

Any moneys remaining from funds appropriated by the legislature for the purposes of making additional payments to prior pensioners under prior provisions of RCW 51.32.070, and any liabilities in connection therewith, are transferred to the supplemental pension fund on the effective date of this new 1971 section."

Renumber the remaining sections consecutively.

Senator McDougall moved adoption of the following amendment by Senators McDougall and Lewis:

On page 2, section 1, line 6, after "Section 1." strike remainder of printed bill and insert as sections 1-181 the following:

"Section 51.04.010, chapter 23, Laws of 1961 and RCW 51.04.010 are each amended to read as follows:

The common law system governing the remedy of workmen against employers for injuries received in [hazardous work] *employment* is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the state depends upon its industries, and even more upon the welfare of its wage worker. The state of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in [extrahazardous] *their work*, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this title; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this title provided.

Sec. 2. Section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020 are each amended to read as follows:

The director shall:

- (1) Establish and promulgate rules governing the administration of this title;
- (2) [Ascertain and establish the amounts to be paid into and out of the accident fund] *Establish such branch offices, sections, and advisory committees as he deems necessary to the effective administration of this title;*
- (3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;
- (4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;
- (5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;
- (6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;
- (7) Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under the department;
- (8) Make annual report to the governor (one of them not more than sixty nor less than thirty days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the [accident] *various* funds and the statistics aforesaid;
- (9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and Laws of the United States, to enter into similar agreements with the provinces of Canada;
- (10) *Make such expenditures as may be necessary for the adequate administration of this title by the department. Such expenditures shall be paid out of the administrative fund;*
- (11) *Maintain records of all injuries and occupational diseases and the costs thereof and may require the submission of reports to this end.*

Sec. 3. Section 51.04.030, chapter 23, Laws of 1961 and RCW 51.04.030 are each amended to read as follows:

The director shall [, through the division of industrial insurance, provide] *supervise* prompt and efficient care and treatment to workmen injured in [extrahazardous] *their work* at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, or other agency or person rendering services to injured workmen. No service covered [by such fee bill] *under this title* shall be charged or paid [for out of the medical aid fund] at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

[The director shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workmen, he shall approve and certify those which conform to the promulgated rules, regulations, and practices of the director and the director may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.]

**NEW SECTION.** Sec. 4. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

¶ In order to insure the prompt reporting and payment of compensation in compensable injuries the director shall make rules and regulations governing reports of attending physicians. Such rules and regulations shall include, but not necessarily be limited to:

(1) Requiring attending physicians to make the department or carrier a first report of injury within a specified time after the first service rendered.

(2) Requiring attending physicians to submit follow-up reports with specified time limits or upon the request of an interested party.

(3) Requiring examining physicians to submit their reports, and to whom, within a specified time.

(4) Such other reporting requirements as he may deem necessary to insure that payments of compensation be prompt and that all interested parties be given information necessary to the prompt determination of claims.

Sec. 5. Section 51.04.050, chapter 23, Laws of 1961 and RCW 51.04.050 are each amended to read as follows:

In all hearings, actions, or proceedings [before the department or the board of industrial insurance appeals, or before any court on appeal from the board] *under this title*, any physician having [theretofore] *at any time* examined or treated the claimant may be required to *report or testify* fully regarding such examination or treatment, and shall not be exempt from so *reporting or testifying* by reason of the relation of physician to patient.

Sec. 6. Section 51.04.060, chapter 23, Laws of 1961 and RCW 51.04.060 are each amended to read as follows:

No employer, *carrier* or workman shall exempt himself from the burden or waive the benefits of this title by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be *pro tanto* void.

*Workmen shall not pay any of the costs of providing compensation as required by this title except as provided in section 101 of this 1971 amendatory act.*

Sec. 7. Section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070 are each amended to read as follows:

A minor working at an age legally permitted under the laws of this state shall be deemed SUI JURIS for the purpose of this title, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, except as expressly provided in this title, but in the event of [a lump sum payment] *any benefits* becoming due under this title to such minor workman, [the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors and, in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this title, the director may allow from the accident fund toward the expenses of such guardianship, not to exceed the sum of fifty dollars in any one case: PROVIDED, That in case any such minor is awarded a lump sum payment of not more than seven hundred fifty dollars, the director may make payments direct to such minor without the necessity of the appointment of a guardian] *such benefits may be paid directly to such minor workman over the age of eighteen. In the event payments are due to an injured minor workman under the age of eighteen, such benefits shall be paid to his guardian, or person having custody of his person until he reaches the age of eighteen. Upon the submission of express written authorization by any such guardian, or person having custody of an injured minor workman, any such benefits may be paid directly to such injured minor workman. In the event it should become necessary to appoint a legal guardian to receive such benefits, the carrier shall pay toward the expenses of such guardianship a sum not to exceed one hundred fifty dollars.*

**NEW SECTION.** Sec. 8. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

If income benefits are due a beneficiary other than the injured workman, the employer or carrier may segregate any additional benefits payable on account of that beneficiary and make payment directly to the beneficiary, if SUI JURIS: otherwise, to the guardian or person having custody of the beneficiary.

Sec. 9. Section 51.04.080, chapter 23, Laws of 1961 and RCW 51.04.080 are each amended to read as follows:

On all claims under this title, [the division of industrial insurance shall not forward] claimants' written notices, orders, [and] *or warrants shall not be forwarded to, or in care of, any representative of the claimant, but shall [forward such notices, orders and warrants] be forwarded* directly to the claimant until such time as [the supervisor of industrial insurance shall have] *there has been entered an order on the claim appealable to the board of industrial insurance appeals or the superior court.*

Sec. 10. Section 51.04.090, chapter 23, Laws of 1961 and RCW 51.04.090 are each amended to read as follows:

If any employer shall be adjudicated to be outside the lawful scope of this title, the title shall not apply to him or his workman, or if any workman shall be adjudicated to be

outside the lawful scope of this title because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this title in other respects, and every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions for the creation of the [accident] *state fund or other methods of securing compensation*, or the provisions of this title making the compensation to the workman provided in it exclusive of any other remedy on the part of the workman shall be held invalid the entire title shall be thereby invalidated. In other respects an adjudication of invalidity of any part of this title shall not affect the validity of the title as a whole or any other part thereof.

**NEW SECTION.** Sec. 11. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

The governor shall appoint a workmen's compensation advisory committee composed of nine members: Three representing subject workmen, three representing subject employers, one of whom shall represent agriculture, and three from the public at large. This committee shall conduct a continuous study of all aspects of workmen's compensation and shall biennially report its recommendations, including suggested legislation, to the legislature on or before the first day of the legislative session. The term of each committee member shall be three years commencing on the effective date of this act: PROVIDED, HOWEVER, That the governor shall designate one member from each group initially appointed whose terms shall expire on June 30, 1972, and one member from each group whose term shall expire on June 30, 1973. A member may be reappointed. The committee members shall serve without compensation but shall be entitled to travel expenses. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board as it shall need without charge. All expenses of this committee shall be paid out of the administrative fund.

Sec. 12. Section 3, chapter 107, Laws of 1961 and RCW 51.08.013 are each amended to read as follows:

"Acting in the course of employment" means the workman acting at his employer's direction or in the furtherance of his employer's business which shall include time spent going to and from work on the job site, as defined in RCW 51.32.015 and 51.36.040, insofar as such time is immediate to the actual time that the workman is engaged in the work process in areas controlled by his employer, except parking areas, and it is not necessary that at the time an injury is sustained by a workman he be doing the work on which his compensation is based [or that the event be within the time limits on which industrial insurance or medical aid premiums or assessments are paid].

**NEW SECTION.** Sec. 13. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Administrative fund" means the fund of that name established under this title.

**NEW SECTION.** Sec. 14. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Agriculture" means the business of growing or producing any agricultural or horticultural produce or crop, including the raising of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substances obtained therefrom.

**NEW SECTION.** Sec. 15. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Carrier" means the state fund, a self-insurer, or an insurer authorized to transact industrial insurance in this state, or all three.

**NEW SECTION.** Sec. 16. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Compensation" means all monetary benefits and medical and related benefits provided under this title.

Sec. 17. Section 51.08.050, chapter 23, Laws of 1961 and RCW 51.08.050 are each amended to read as follows:

"Dependent" means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child [, viz]: father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the [accident] injury are actually and necessarily dependent in whole or in part for at least one half of their support upon the earnings of the workman and whose dependency is not the result of failure to make reasonable efforts to secure suitable employment: PROVIDED, That unless otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included.

**NEW SECTION.** Sec. 18. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Employee" shall have the same meaning as "workman" when the context would so indicate.

Sec. 19. Section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070 are each amended to read as follows:

"Employer" means any person, [body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any extrahazardous work, by way of trade or business] or the state, state agencies, counties, municipal corporations, school districts, or other public corporations, or political subdivisions, who contracts to pay a remuneration for and secures the right to direct or control the services of any person, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen [, in extrahazardous work].



**NEW SECTION.** Sec. 20. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Income benefits" means payments made under the provisions of this title to the workman or his beneficiaries, excluding medical and related benefits.

**NEW SECTION.** Sec. 21. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Insurer" includes the state fund and any private company, corporation, mutual association, reciprocal or inter-insurance exchange authorized under the laws of this state to insure employers against liability for compensation and any employer to whom a certificate of consent to self-insure has been issued.

**NEW SECTION.** Sec. 22. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Manager" means the manager of the state fund.

**NEW SECTION.** Sec. 23. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Noncomplying employer" means an employer who has not secured the payment of compensation by compliance with this title.

Sec. 24. Section 51.08.180, chapter 23, Laws of 1961 and RCW 51.08.180 are each amended to read as follows:

"Workman" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his employment; also any minor, whether lawfully or unlawfully employed, every executive officer of a corporate employer, every person employed by the state or any political subdivision or agency thereof, and every salaried official or officer of the state or of any political subdivision or agency thereof, whether elected or appointed.

**NEW SECTION.** Sec. 25. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Person" means any individual, partnership, firm, association, trust, or corporation, or any legal representative thereof.

**NEW SECTION.** Sec. 26. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Self-insurer" means an employer who has been authorized under this title to carry its own liability to its employees covered by this title.

Sec. 27. Section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010 are each amended to read as follows:

There is a hazard in all employment, [but certain employments have come to be and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations,] and it is the purpose of this title to embrace all [of them] employments which are within the legislative jurisdiction of the state [, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this title, to wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power, quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads; installing and serving radios and electrical refrigerators; general warehouse and storage; teaming, truck driving and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs, furnishing sleeping accommodations, apartment hotels; janitors, chambermaids, porters, bellmen, pinsetters, elevator operators and maintenance men employed in apartment houses, office buildings, stores, mercantile establishments, theaters and bowling alleys employing one or more employees; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations].

Sec. 28. Section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be [deemed extrahazardous within the meaning, or be] included [in the enumeration of RCW 51.12.010, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barbershops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises.] within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is casual and either:

(a) The employment is not in the course of the trade, business, or profession of his employer; or

(b) The employment is in the course of the trade, business, or profession of a nonsubject employer.

For the purpose of this subsection, "casual" refers only to employments where the work in any thirty-day period, without regard to the number of persons employed, involves a total labor cost of less than one hundred dollars.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Any person for whom a rule of liability for injury or death is provided by federal law.

(6) Sole proprietors and partners.

(7) Any employee whose cash remuneration paid or payable by the employer in any calendar year for agricultural labor is less than one hundred fifty dollars.

Sec. 29. Section 51.12.050, chapter 23, Laws of 1961 and RCW 51.12.050 are each amended to read as follows:

[Whenever the state, county, any municipal corporation, or other taxing district shall engage in any extrahazardous work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.]

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers of the state, state agencies, counties, municipal corporations, school districts, or other public corporations, or political subdivisions injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: PROVIDED, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received [from the department] under this title such employee shall be entitled to the benefits of this title and may be included in the payroll of the municipality.

NEW SECTION. Sec. 30. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

If benefits are paid under this title to a workman or beneficiary because of an injury or death and recovery is subsequently made under the maritime laws or under any other rule of liability for injury or death provided by federal law, the workman or beneficiary shall repay such benefits to the appropriate carrier.

Sec. 31. Section 51.12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex. sess. and RCW 51.12.070 are each amended to read as follows:

The provisions of this title shall apply to all [extrahazardous] work done by contract; the person, firm, or corporation who lets a contract for such [extrahazardous] work shall be responsible primarily and directly for all [payments due to the accident fund and medical aid fund] premiums upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable [to the accident fund and medical aid fund,] in premiums and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any county, city or town to issue a construction building permit to any person who has not submitted to the department [an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title] proof that security for payment of compensation has been secured.

Sec. 32. Section 51.12.080, chapter 23, Laws of 1961 and RCW 51.12.080 are each amended to read as follows:

Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common

carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this title railroad construction work, or the employees engaged thereon: PROVIDED, That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such common carrier, or in case of the death of such employee, to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: PROVIDED FURTHER, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any [extrahazardous] work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: PROVIDED FURTHER, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing [extrahazardous] work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title.

Sec. 33. Section 51.12.090, chapter 23, Laws of 1961 and RCW 51.12.090 are each amended to read as follows:

The provisions of this title shall apply to employers and workmen (other than railways and their workmen) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen engaged in interstate or foreign commerce: PROVIDED, That as to workmen whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or workmen brought into this state for the purpose of engaging in [extrahazardous] work.

*NEW SECTION.* Sec. 34. There is added to chapter 23, Laws of 1961 and chapter 51.12 RCW a new section to read as follows:

(1) The liability of each employer under this title shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury. For purposes of this section, the term "employer" shall include a "contractor" covered by subsection (2) of section 36 of this 1971 amendatory act, whether or not the subcontractor has in fact secured the payment of compensation. The liability of an employer to another person who may be liable for or who has paid damages on account of injury of an employee of such employer in the course of employment and caused by a breach of any duty or obligation owed by such employer to such other shall be limited to the amount of compensation and other benefits for which such employer is liable under this title on account of such injury, unless such other and the employer by written contract have agreed to share liability in a different manner.

(2) The exemption from liability given an employer by this section shall also extend to such employer's carrier and to all employees, officers, or directors of such employer or carrier, provided the exemption from liability given an employee, officer, or director of an employer or carrier shall not apply in any case where the injury is proximately caused by the willful and unprovoked physical aggression of such employee, officer, or director.

Sec. 35. Section 51.12.110, chapter 23, Laws of 1961 and RCW 51.12.110 are each amended to read as follows:

Any employer [engaged in any occupation other than those enumerated or declared to be under this title, may make written application to the director to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon the director, through the division of industrial insurance, shall fix such rates, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. When such rate is fixed the applicant] *who has in his employment any exempt person may file notice in writing with the [supervisor of industrial insurance] director of his [or its] election to [contribute under] be subject to this title, and shall forthwith display in a conspicuous manner about his [or its] works and in a sufficient number of places to reasonably inform his [or its] workmen of the fact, printed notices furnished by the department stating that he [or it] has so elected [to contribute to the accident fund and the medical aid fund] and stating when said election will become effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to*

such employer and to the department of his election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his [or its] workmen as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action.

*Any employer who has complied with this section may withdraw his acceptance of liability under this title by filing written notice with the director of the withdrawal of his acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected workman or workmen work and shall otherwise notify personally the affected workmen, withdrawal of acceptance of this title shall not affect the liability of the carrier for compensation for any injury occurring during the period of acceptance.*

**NEW SECTION.** Sec. 36. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) Every employer subject to this act shall be liable for compensation for injury or death without regard to fault as a cause of the injury or death.

(2) A contractor who subcontracts all or any part of a contract and his carrier shall be liable for the payment of compensation to the employees of the subcontractor unless the subcontractor primarily liable for the payment of such compensation has secured the payment of compensation as provided for in this act. Any contractor or his carrier who shall become liable for such compensation may recover the amount of such compensation paid and necessary expenses from the subcontractor primarily liable therefor. A person who contracts with another (1) to have work performed consisting of (a) the removal, excavation or drilling of soil, rock or minerals, or (b) the cutting or removal of timber from land, or (2) to have work performed of a kind which is a regular or recurrent part of the work of the trade, business, occupation or profession of such person, shall for the purposes of this section be deemed a contractor, and such other person a subcontractor. This subsection shall not apply to the owner or lessee of land principally used for agriculture who contracts for removal of timber from such land.

**NEW SECTION.** Sec. 37. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) Any person who is a sole proprietor, or a member of a partnership subject to this title as an employer, may make written application to the state fund or an insurance company to become entitled as a subject workman to the compensation benefits thereof. Thereupon, the state fund or the insurance company may accept such application and fix a classification and an assumed monthly wage at which such person shall be carried on the payroll as a workman for purposes of computations under this title. If the person making application to the state fund under this section is an employer of subject workmen his application shall not be accepted unless he has insured his workmen with the state fund.

(2) When the application is accepted and the assumed wage is fixed, such person may file in writing with the state fund or insurance company his election to become a subject workman at the assumed wage so fixed and thereupon he shall be subject to the provisions and entitled to the benefits of this title.

(3) No claim shall be allowed or paid under this section, except upon corroborative evidence in addition to the evidence of the claimant.

(4) Any person subject to this title as a workman as provided in this section may cancel such election by giving written notice to the state fund or insurance company. The cancellation shall become effective at midnight ending the day of filing the notice with the state fund or insurance company.

**NEW SECTION.** Sec. 38. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) If a workman, while working outside the territorial limits of this state, suffers an injury on account of which he, or his beneficiaries, would have been entitled to compensation under this title had such injury occurred within this state, such workman, or his beneficiaries, shall be entitled to compensation under this title: PROVIDED, That at the time of such injury:

(a) His employment is principally localized in this state; or  
 (b) He is working under a contract of hire made in this state for employment not principally localized in any state; or

(c) He is working under a contract of hire made in this state for employment principally localized in another state whose workmen's compensation law is not applicable to his employer; or

(d) He is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of compensation under the workmen's compensation law of another state, territory, province, or foreign nation to a workman or his beneficiaries otherwise entitled on account of such injury to compensation under this title shall not be a bar to a claim for compensation under this title: PROVIDED, That claim under this title is

timely filed. If compensation is paid or awarded under this title, the total amount of compensation paid or awarded the workman or beneficiary under such other workmen's compensation law shall be credited against the compensation due the workman or beneficiary under this title.

(3) If a workman is entitled to compensation under this title by reason of an injury sustained in this state in the employ of an employer who is domiciled in another state and who has not secured the payment of compensation as required by this title, the carrier may file with the director a certificate, issued by the commission or agency of such other state having jurisdiction over workmen's compensation, certifying that such employer has secured the payment of compensation under the workmen's compensation law of such other state and that with respect to said injury such workman is entitled to the benefits provided under such law. In such event:

(a) The filing of such certificate shall constitute an appointment by the carrier of the director as its agent for acceptance of the service of process in any proceeding brought by any claimant to enforce rights under this title;

(b) The director shall send to such carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the director by the claimant in any proceeding brought to enforce rights under this title;

(c) (i) If the employer is a qualified self-insurer under the workmen's compensation law of such other state, such employer shall, upon submission of evidence, satisfactory to the director, of his ability to meet his liability to such claimant under this title, be deemed to be a qualified self-insurer under this title;

(ii) If such employer's liability under the workmen's compensation law of such other state is insured, such employer's carrier, as to such claimant only, shall be deemed to be an insurer authorized to write insurance under and be subject to this title: PROVIDED, That unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this title, the insurer's liability for compensation shall not exceed its liability under the workmen's compensation law of such other state;

(d) If the total amount for which such employer's insurer is liable under (c) above is less than the total of the compensation to which such claimant is entitled under this title, the director may require the employer to file security, satisfactory to the director, to secure the payment of compensation under this title; and

(e) Upon compliance with the preceding requirements of this subsection, such employer, as to such claimant only, shall be deemed to have secured the payment of compensation under this title.

(4) As used in this section:

(a) A person's employment is principally localized in this or another state when (i) his employer has a place of business in this or such other state and he regularly works at or from such place of business, or (ii) if clause (i) foregoing is not applicable, he is domiciled in and spends a substantial part of his working time in the service of his employer in this or such other state;

(b) "Workmen's compensation law" includes "occupational disease law" for the purposes of this section.

(5) A workman whose duties require him to travel regularly in the service of his employer in this and one or more other states may agree in writing with his employer that his employment is principally localized in this or another state, and, unless such other state refuses jurisdiction, such agreement shall govern as to any injury occurring after the effective date of the agreement.

(6) The director shall be authorized to agree with the workmen's compensation administrators of other states with respect to conflicts of jurisdiction, boundaries between states and the assumption of jurisdiction in cases where the contract of employment arises in one state and the injury occurs in another, and when such an agreement has been executed and promulgated as a regulation of the department, under chapter 34.04 RCW, it shall bind all carriers, employers, and workmen subject to this title, and the jurisdiction of this title shall be governed by such regulation.

**NEW SECTION. Sec. 39.** There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

If an employer is engaged in an occupation in which he employs one or more subject employees and also is engaged in a separate occupation in which there are no subject employees, such employer is not subject to this title as to that separate occupation, nor are his employees wholly engaged in that occupation subject to this title.

**NEW SECTION. Sec. 40.** There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) If an employer fails to secure payment of compensation as required by this title, an injured workman, or his beneficiaries in case death results from the injury, may claim compensation under this title as provided in subsection (2) of this section and, in the event such failure is willful, may maintain an action for damages on account of such injury or death: PROVIDED, That the amount of compensation shall be credited against the amount received in such action: PROVIDED FURTHER, That if the amount of compensation is larger than the amount of damages received, the amount of damages less the employee's legal fees and expenses shall be credited against the amount of compensation. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, that the employee assumed the risks of his employment, or that the injury was due to the contributory negligence of the employee.

(2) The injured employee of the noncomplying employer, or his beneficiary, may make claim for the compensation due by written application to any office of the department: PROVIDED, That proper notice of the injury has been given the noncomplying employer by the employee or his beneficiary.

(3) The cost of such claim, but not less than one hundred dollars, shall be paid by the administrative fund and shall be a liability of the noncomplying employer. The administrative fund shall recover the costs of such claim from the employer and, in addition, the noncomplying employer shall be required to pay premiums, assessments, and fees for the time during which he engaged as a subject employer to the same extent as if he had secured payment of compensation by insuring with the state fund.

*NEW SECTION.* Sec. 41. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

(1) There shall be established a state workmen's compensation fund, hereinafter called the "state fund", for the purpose of transacting workmen's compensation insurance and for the legal and administrative expenses arising out of claims made by workmen or their dependents for benefits fixed by the workmen's compensation laws of the state of Washington pursuant to coverage obtained from said state fund by employers.

(2) The state fund may enter into any contract or obligation relating to the transaction of its business which is permitted by law.

(3) The functions of the state fund shall be:

(a) To confer with and solicit employers and to determine, handle, audit, and enforce collection of premiums, assessments, and fees of employers insured with it;

(b) To receive, handle, and process the claims of workmen and beneficiaries of workmen injured in the employ of employers insured with it; or

(c) To perform all other functions which the laws of this state specifically authorize or which are necessary or appropriate to carry out the functions expressly authorized.

(4) The state fund in its own name may sue and be sued in all actions arising out of any act or omission in connection with its business affairs, and shall be entitled to appear as a party in any proceedings involving claims payable by the fund under this title.

(5) The attorney general shall be the legal advisor of the state fund and shall represent it in all legal proceedings. Any employer may also join in any legal proceedings arising from claims for which he has secured coverage from the state fund.

*NEW SECTION.* Sec. 42. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The state fund shall be under the direct supervision of a manager appointed by the governor for a term of four years or until his successor is appointed and qualified. The initial term of office of the manager shall commence on the day this 1971 amendatory act takes effect, and the salary of the manager shall be fixed by the governor in accordance with RCW 43.03.040. The manager shall devote his entire time to his duties as manager and shall pursue no other calling or vocation while he is manager, and shall be bonded in the sum of fifty thousand dollars at the expense of the state fund. The manager may be removed from the office in accordance with chapter 43.06 RCW.

*NEW SECTION.* Sec. 43. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The manager shall manage the state fund and shall have such powers as are necessary to carry out its functions, and may reinsure any risk insured by the state fund, and shall report annually to the governor, no later than December 15th, concerning the operations of the state fund for the preceding fiscal year.

The manager shall make a periodic report to the insurance commissioner of the business done by the state fund and a statement of the fund's resources and liabilities. The manager shall provide for an annual independent audit of the books and records of the state fund and an abstract summary thereof shall be published by the insurance commissioner pursuant to RCW 48.02.170.

The manager shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premiums which shall be the lowest necessary to maintain actuarial solvency of the state fund in accordance with recognized insurance principles. The manager shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workmen's compensation insurance, designed to stimulate and encourage accident prevention and to facilitate collection. The manager may annually, or at such times as he deems necessary to maintain solvency of the state fund, readjust rates in accordance with the rating system, to become effective on such dates as he may designate.

*NEW SECTION.* Sec. 44. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

There shall be no personal liability on the part of the manager or any employee of the state fund for or on account of any act or omission or obligation incurred in an official capacity, when done in good faith, without intent to defraud and in connection with the administration, management, or conduct of the state fund or affairs relating thereto.

*NEW SECTION.* Sec. 45. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The assets and liabilities of the following funds are transferred on the effective date of this 1971 amendatory act to the state fund:

(1) The accident fund previously maintained under RCW 51.44.010, except for that portion of the accident fund known and designated as the second injury account previously maintained under RCW 51.44.040;

- (2) The medical aid fund previously maintained under RCW 51.44.020;
- (3) The reserve fund previously maintained under RCW 51.44.030;
- (4) The surplus fund previously maintained under RCW 51.40.040; and
- (5) All other assets and liabilities held on the effective date of this 1971 amendatory act by the industrial insurance division of the department of labor and industries under the provisions of chapter 23, Laws of 1961 as amended or of Title 51 RCW as amended.

**NEW SECTION.** Sec. 46. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

(1) All employers paying industrial insurance and medical aid premiums to the industrial insurance division of the department of labor and industries under the provisions of chapter 23, Laws of 1961 as amended or of Title 51 RCW as amended on the effective date of this 1971 amendatory act shall become insureds of the state fund until and unless any of such employers elect otherwise to secure the payment of compensation under this title.

(2) Liability for all claims existing on the effective date of this 1971 amendatory act for employers paying premiums to the industrial insurance division of the department of labor and industries pursuant to chapter 23, Laws of 1961 as amended or to Title 51 RCW as amended, is transferred on the effective date of this 1971 amendatory act to the state fund, together with liability for all expenses, claim costs, administrative costs, and all other obligations arising out of the operation of the division and in existence on the effective date of this 1971 amendatory act; however, the director may require contributions to the administrative fund and to the second injury fund from all employers regardless of the form of workmen's compensation insurance they have selected to defray the ongoing expenses of claims submitted prior to the effective date of this 1971 amendatory act.

Sec. 47. Section 51.16.040, chapter 23, Laws of 1961 and RCW 51.16.040 are each amended to read as follows:

The compensation and benefits provided for occupational diseases shall be paid [from the same funds and] in the same manner as compensation and benefits for injuries under [the industrial insurance and medical aid acts] *this title* and the [contributions] *premiums* of employers to pay for occupational diseases shall *likewise* be [determined, assessed, and collected in the same manner and as a part of the premiums for employment under the mandatory or elective adoption provisions of this title] *handled in the same fashion*.

Sec. 48. Section 2, chapter 151, Laws of 1963 and RCW 51.16.042 are each amended to read as follows:

Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workmen in the environmental research facility thereat, [each class of industry] *all employers* shall bear [its] *their* proportionate share of the cost therefor [accrued during any fiscal year based on average workman hours of exposure over the preceding two-year calendar period]. *The director may require payments to the administrative fund from all employers under this title and may make rules and regulations in connection therewith, which costs shall be paid from the administrative fund, in lieu of the previous provisions of RCW 28B.20.458.*

Sec. 49. Section 51.16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer *insuring with the state fund* shall, on or before the last day of January, April, July and October of each year hereafter, furnish the [department] *state fund* with a true and accurate payroll [and the aggregate number of workmen hours, during] *for the period* in which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, the total amount paid to such workman during such preceding calendar quarter, and a segregation of employment in the different classes [provided in] *established pursuant to this title*, and shall pay his premium thereon to the [accident fund and medical aid] *state fund*. The sufficiency of such statement shall be subject to the approval of the [director] *manager*: PROVIDED, That the [director] *manager* may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: PROVIDED, FURTHER, That in the event an employer shall furnish the [departmental] *state fund* with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the [department] *state fund* may close the account.

Sec. 50. Section 51.16.070, chapter 23, Laws of 1961 and RCW 51.16.070 are each amended to read as follows:

Every employer shall keep at his place of business a record of his employment from which the information needed by the department *or the state fund* may be obtained and such record shall at all times be open to the inspection of the director, supervisor of industrial insurance, *manager*, or [the] traveling auditors, agents, or *their* assistants [of the department], as provided in [RCW 51.48.040] *this title*.

Information obtained from [employing unit] *the employers'* records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, That any [employing unit] *employer* may authorize inspection of its records by written consent.

Sec. 51. Section 51.16.090, chapter 23, Laws of 1961 and RCW 51.16.090 are each amended to read as follows:

To the end that no employer shall evade the burdens imposed by an unfavorable or high cost experience, the [director] *manager* may determine whether or not an increase, decrease, or change (1) of operating property; (2) of interest in operating property; (3) of employer; (4) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience: PROVIDED, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of the employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, such person or entity as legally reconstituted shall be entitled to a continuation of [the] *any* experience rating which existed prior to such change in the employer's legal structure unless there has been such a substantial change as provided in subdivisions (1), (2), (3), or (4) of this section as would warrant making inoperative any high cost experience.

Sec. 52. Section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100 are each amended to read as follows:

It is the intent that the [accident] *state* fund shall ultimately become neither more nor less than self-supporting [, except as provided in RCW 51.16.105 and, if in the adjustment of premium rates by the director the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper. The director shall make corrections of classifications or subclassifications or changes in rates, classes and subclasses when the best interest of such classes or subclasses will be served thereby]. *To accomplish this objective, loss experience and expenses shall be ascertained and dividends and credits may be made as provided under this title.*

**NEW SECTION.** Sec. 53. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The actual loss experience and expense of the state fund shall be ascertained annually. If it is shown that there exists an excess of assets over liabilities, necessary reserves, and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared to, or a credit allowed on the renewal premium of, each employer who has been insured with the fund during the preceding calendar year, in an amount which the manager in his discretion considers to be the employer's proportion of divisible surplus, provided that no dividend may be declared which depletes the capital and surplus requirements prescribed by the insurance commissioner for workmen's compensation insurance carriers.

Sec. 54. Section 51.16.105, chapter 23, Laws of 1961 and RCW 51.16.105 are each amended to read as follows:

All administrative expenses of the safety division of the department [, except those incurred by the administration of chapter 19.28,] *pertaining to workmen's compensation* shall be [financed] *paid* from the [combined receipts of the accident and medical aid funds] *administrative fund*. [The administrative expense paid from the accident fund shall not exceed four percent, and from the medical aid fund it shall not exceed one and one-half percent. But in no case shall the total expense paid from the combined receipts of both funds exceed five percent. The percentage shall be computed on the combined average annual receipts for the five previous fiscal years.]

**NEW SECTION.** Sec. 55. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

(1) Every employer insured with the state fund shall keep a true and accurate record of the number of his workmen, the occupations at which and the number of days or parts of days any of his workmen are employed, and such other records as may be necessary for the administration of this title.

(2) The records required by subsection (1) of this section shall be open to inspection by the state fund for the purpose of ascertaining the correctness of the payroll, the number of workmen, and such other information as may be necessary for the administration of the state fund. Every employer shall furnish a sworn statement to the state fund upon request.

**NEW SECTION.** Sec. 56. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

In every case where an employer insured with the state fund fails or refuses to file any report of payroll required by the state fund and fails or refuses to pay the premiums due on such unreported payroll, the state fund shall have authority to estimate such payroll and collect premiums on the basis of such estimate.

If the report required and the premiums due thereon are not made within ten days from the mailing of such demand, the employer shall be in default as provided by this title and the state fund may have and recover judgment or file liens for such estimated premium or the actual premium, whichever is greater.

**NEW SECTION.** Sec. 57. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

Whenever the manager finds it necessary for the protection of the state fund, he may require any employer insured with the state fund to deposit and keep on deposit a sum equal to fifty percent of such employer's estimated annual premium due the state fund.

The manager may, in his discretion and in lieu of such deposit, accept a surety bond adequate to secure payment of premiums to become due the state fund. The deposit or



posting of the bond shall not relieve the employer from paying premiums to the state fund based on his actual payroll.

If an employer ceases to be insured with the state fund, the manager, upon receipt of all payments due the state fund, shall refund to the employer all deposits and shall cancel any surety bond given under this section.

If an employer fails to comply with the requirements of this title for depositing cash or supplying surety bonds to protect the state fund, the superior court of the county in which the employer resides or in which he employs workmen shall, upon the commencement of a suit by the state fund for that purpose, enjoin the employer from further employing workmen until compliance therewith is accomplished.

**NEW SECTION.** Sec. 58. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

In the event of a default of timely payment of premium, interest at the rate of one percent per month or fraction thereof shall be added to the amount of principal due the state fund commencing with the first day of the month following the date upon which such payment became due.

If any employer fails to make payment of premiums due within ten days after receipt of a written demand by the state fund or fails to make and maintain any deposit required by the manager, such employer is in default and is also subject to a penalty of ten percent of the amount of the premium then due. The amount of such premium at any time due, together with interest thereon, and penalty for nonpayment thereof, may be collected by the state fund in the same action.

Every employer in default, as provided in this section, upon receipt of notice thereof shall display such notice of said default by posting one or more facsimiles in places accessible to his workmen in such manner and number as reasonably to inform them of such default.

**NEW SECTION.** Sec. 59. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The manager may consider the experience of an employer who has previously secured workman's compensation from another carrier or who has been self-insured and any carrier for such an employer or such self-insured employer shall make available to the manager all materials relevant to the prior accident experience of such employer.

Sec. 60. Section 51.16.140, chapter 23, Laws of 1961 and RCW 51.16.140 are each amended to read as follows:

[The employer shall deduct from the pay of each of his workmen engaged in extrahazardous work one-half of the amount the employer is required to pay into the medical aid fund for or on account of the employment of such workman, but] *It shall be unlawful for the employer to deduct or obtain any part of the premium required to be by him paid [into the accident fund] under this title from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.*

Sec. 61. Section 51.16.150, chapter 23, Laws of 1961 and RCW 51.16.150 are each amended to read as follows:

If any employer shall default in any payment to the [accident fund or the medical aid] *state fund*, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, there shall also be collected a penalty equal to twenty-five percent of the amount of the defaulted payment or payments, and the [director] *manager* may require from the defaulting employer a bond to the state for the benefit of the [accident and medical aid funds] *state fund*, with surety to the [director's] *manager's* satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the [said funds] *state fund* for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting [an extrahazardous occupation or] work until such bond is furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant, or lease thereto, shall be invalid until all past delinquencies are made good, and such bond furnished.

Sec. 62. Section 51.16.160, chapter 23, Laws of 1961 and RCW 51.16.160 are each amended to read as follows:

All actions for the recovery of delinquent premiums and penalties *therefor due the state fund* shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state *fund* for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the [department] *state fund* of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the [department] *state fund* that an audit has been made of the payroll of such employer pursuant to the direction

of the [department] *state fund* and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact.

Sec. 63. Section 51.16.170, chapter 23, Laws of 1961 and RCW 51.16.170 are each amended to read as follows:

Separate and apart from and in addition to the foregoing provisions in this chapter, the claims of the state *fund* for payments and penalties *therefor* due under this title shall be a lien prior to all other liens or claims and on a parity with prior tax liens not only against the interests of any employer, but against the interests of all others, in real estate, plant, works, equipment, and buildings improved, operated, or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the [department] *state fund* shall, within four months after the employer has made report of his payroll and has defaulted in the payment of his premiums thereupon, file with the county auditor of the county within which such property is then situated, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the [department] *state fund*. If any employer fails or refuses to make report of his payroll, the lien hereby created shall continue in full force and effect, although the amount thereof is undetermined and the four months' time within which the [department] *state fund* shall file its claim of lien shall not begin to run until the actual receipt by the [department] *state fund* of such payroll report. From and after the filing of such claim of lien, the [department] *state fund* shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property, and in such suit the certificate of the [department] *state fund* stating the date of the actual receipt by the [department] *state fund* of such payroll report shall be prima facie evidence of such fact.

Sec. 64. Section 51.16.180, chapter 23, Laws of 1961 and RCW 51.16.180 are each amended to read as follows:

The [director] *manager* shall have the custody of all property acquired by the state at execution sale upon judgments obtained for delinquent [industrial insurance] *state fund* premiums [or medical aid contributions,] and penalties *therefor* and costs, and may sell and dispose of the same at private sales for the sale purchase price, and shall pay the proceeds into the state treasury to the credit of the [accident fund, or medical aid fund, as the case may be] *state fund*. In case of the sale of real estate the [director] *manager* shall execute the deed in the name of the state.

**NEW SECTION.** Sec. 65. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

All premiums, interest charges, penalties, or amounts due the state fund from any employer insured with it are taxes and are collectible as taxes.

**NEW SECTION.** Sec. 66. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

(1) The director shall promulgate rules and regulations to implement a subsequent injury program to encourage employers to employ and retain in employment handicapped persons, in accordance with this section.

(2) If an employee who has a permanent physical disability from any cause or origin incurs a permanent total disability by reason of the combined effects of the preexisting disability and a subsequent injury under this title or by reason of the aggravation of the preexisting disability by the subsequent injury, the carrier shall in the first instance pay all awards of compensation provided by this title, but such carrier shall be reimbursed from the second injury fund for all pension payments subsequent to those payable for the first two years of total permanent disability.

(3) If the subsequent injury of such employee shall result in the death of the employee and it shall be determined that the death would not have occurred except for such preexisting permanent physical disability, the carrier shall in the first instance pay the compensation prescribed by this title, but he shall be reimbursed from the second injury fund for all pension benefits payable in excess of two years.

(4) The second injury fund shall not be bound as to any question of law or fact by reason of an award or an adjudication to which it was not a party or in relation to which it was not notified. A carrier shall notify the director of any possible claim against the second injury fund as soon as practicable, but in no event later than one hundred weeks after the death or the beginning of the payment of pension benefits.

(5) The director shall be charged with the conservation of the assets of the fund. In furtherance of this purpose, the director shall be entitled to participate as a party and be represented by the attorney general in all proceedings brought to enforce claims against the fund.

**NEW SECTION.** Sec. 67. There is added to chapter 23, Laws of 1961 and to chapter 51.16 RCW a new section to read as follows:

The records of the state fund, excepting payrolls and claim files, shall be open to public inspection. The accident experience records of the state fund, for periods prior and subsequent to July 1, 1971, shall be available to a bona fide rating organization to assist in making workmen's compensation rates providing any costs involved in making the records available shall be borne by the rating organization.

**NEW SECTION.** Sec. 68. There is added to chapter 23, Laws of 1961 and to Title 51 RCW a new chapter as set forth in sections 69 through 88 of this act.

**NEW SECTION.** Sec. 69. (1) Every employer under this title shall secure the payment of compensation under this title by:

(a) Insuring and keeping insured the payment of such benefits with the state fund; or  
 (b) Insuring and keeping insured the payment of such benefits with any insurer authorized to transact workmen's compensation insurance in this state; or

(c) Qualifying as a self-insurer under this title.

(2) Any employer required by statutes of this state, or by the rules, regulations, contracts, or procedures of any agency of this state or a political subdivision therein to provide or agree to provide the payment of compensation, either directly or through bond requirements, shall have the right to provide such compensation by any of the methods provided in subsection (1) of this section.

**NEW SECTION.** Sec. 70. (1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he has sufficient financial ability to be able to make certain the prompt payment of all compensation under this title and is and will be able to pay all assessments which may become due from such employer.

(2) A self-insurer may establish sufficient financial ability by depositing in a depository, designated by the director, money, corporate or governmental securities, or a surety bond written by any company admitted to transact surety business in this state. The money, securities, or bond shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, or bond required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his probable continuity of operation. The money, securities, or bond so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited shall be distributed currently to the self-insurer.

(3) A self-insurer may insure or reinsure any portion of his liability under this title with an insurer authorized to transact workmen's compensation insurance in this state.

(4) Securities deposited by an employer pursuant to subsection (2) of this section shall be returned to him upon his written request provided the employer either files the bond required by subsection (2) of this section, or files with the director the policy of insurance specified in this title.

**NEW SECTION.** Sec. 71. Upon determination that an employer is qualified as a self-insurer, the director shall issue a certification to that effect, which shall remain in effect until withdrawn by the director or surrendered by the employer with the approval of the director. An employer's qualification as a self-insurer shall become effective on the date of certification or any date specified in the certificate.

**NEW SECTION.** Sec. 72. (1) The surety on a bond filed by a self-insurer pursuant to this title may terminate its liability thereon by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective.

(2) In case of such termination, the surety shall remain liable, in accordance with the terms of the bond, with respect to future compensation for injuries to employees of the self-insurer occurring prior to the termination of the surety's liability.

(3) If the bond is terminated for any reason other than the employer's terminating his status as a self-insurer, the employer shall, prior to the date of termination of the surety's liability, otherwise comply with the requirements of this title.

(4) The liability of a surety on any bond filed pursuant to this section shall be released and extinguished and the bond returned to the employer or surety provided either such liability is secured by another bond filed or money or securities deposited as required by this title, or the employer files with the director the policy of insurance as specified in this title.

**NEW SECTION.** Sec. 73. (1) Any employer may at any time terminate his status as a self-insurer by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective, provided such termination shall not be effective until the employer either shall have ceased to be an employer or shall have otherwise secured the payment of compensation under this title.

(2) If an employer who ceases to be a self-insurer files with the director a policy of insurance on a form approved by the insurance commissioner and issued by an insurer authorized to transact workmen's compensation insurance in this state, and covering the entire liability of such employer for injuries to his employees which occurred during the period of self-insurance, the money, surety bond, or securities securing such liability and filed or deposited by the employer pursuant to this title shall forthwith be returned to him. The policy of insurance shall be noncancellable for any cause during the continuance of the liability secured and so covered.

**NEW SECTION.** Sec. 74. (1) The director may, in cases of default upon any obligation under this title by the self-insurer, after notice by certified mail to the defaulting self-insurer of his intention to do so, bring suit upon such bond or collect the interest and principal of any of the securities as they may become due or sell the securities or any of them as may be required or apply the money deposited, all in order to pay compensation, discharge the obligations of the self-insurer under this title, and pay premiums for future insurance of the employer's obligations.

(2) The director shall be authorized to contract with the state fund or any insurer authorized to write workmen's compensation insurance in this state for the fulfillment of the defaulting employer's obligations under this title, paying the necessary premium from the defaulting employer's deposit or from other funds provided under this title for the satisfaction of claims against the defaulting employers, and having subrogation rights against the defaulting employer to the extent of any funds, other than the employer's deposit, expended for the payment of premiums or compensation in performance of the defaulting employer's obligations.

(3) Whenever the director deems it advisable or necessary, he may require an employer who has not secured the payment of compensation to his workmen as required by this title to make a deposit of money, securities, or a surety bond with the state treasurer to secure the prompt payment of compensation. Payments therefrom shall be made by order of the director.

*NEW SECTION. Sec. 75.* Certification of a self-insurer may be withdrawn by the director upon one or more of the following grounds:

(1) The employer no longer meets the requirements of a self-insurer; or  
 (2) The self-insurer's deposit is insufficient; or  
 (3) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

(4) The employer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

(5) The employer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions.

*NEW SECTION. Sec. 76.* (1) Upon the director's determination that grounds for the withdrawal of certification of a self-insurer exist and that the certification should be withdrawn, he shall serve upon the self-insurer, personally or by certified mail, a notice of intention to withdraw certification of self-insurer, which notice shall describe the nature and location or locations of the plants or operations involved; the specific nature of the grounds for withdrawal of the certification, including the period of time within which the ground or grounds existed or arose; a directive to the self-insurer specifying the manner in which the grounds may be eliminated; and the date, not less than thirty days after the self-insurer's receipt of the notice, when the certification will be withdrawn in the absence of a satisfactory elimination of the grounds for withdrawal of the certificate.

(2) Any hearing, review, or appeal of such a notice of intention to withdraw certification of a self-insurer shall act as a stay of the withdrawal proceedings, unless the hearing officer, board, or court, for good cause shown, orders otherwise.

*NEW SECTION. Sec. 77.* (1) Every employer subject to the provisions of this title shall post and keep posted in a conspicuous place or places in and about his place or places of business a reasonable number of typewritten or printed notices of compliance substantially identical to a form prescribed by the director, stating that such employer has secured the payment of compensation in accordance with the provisions of this title. Such notice shall contain the name and Washington address of the carrier with which the employer has secured payment of compensation, and shall designate a person or persons on the premises with whom notice of claim may be filed.

(2) Any employer who has failed to secure the payment of compensation shall not post or permit to be posted on or about his place of business or premises any notice of compliance with this title and any wilful violation of this subsection by any officer or supervisory employee of an employer shall be a misdemeanor.

*NEW SECTION. Sec. 78.* The director may, by regulation, require that every employer present evidence satisfactory to the director that the payment of compensation has been secured, as required by this title and any rules or regulations thereunder, and may issue a certificate of compliance with this section, which certification may be withdrawn upon notice and specification of grounds, under the procedure provided in this title for the withdrawal of certification of a self-insurer, and any such notice by the director shall specify the grounds for his determination that the employer has not secured the payment of compensation and the manner in which the employer can satisfy the director that he has secured the payment of compensation for his employees.

*NEW SECTION. Sec. 79.* Every carrier shall maintain a record of all payments of compensation made under this title. The carrier shall furnish to the director evidence as to any disputed claim upon forms approved by the director.

*NEW SECTION. Sec. 80.* (1) Every insurer other than a self-insurer shall issue a policy or contract of insurance in writing which specifies the provisions, insuring agreements and exclusions thereto. Such policy or contract shall be made subject to the provisions of this title, and any provisions thereof inconsistent with this title are deemed to be reformed to conform with this title.

(2) Any insurer insuring the liability of an employer under this title shall be the insurer of employees of the employer within the protection of this title: PROVIDED, That with the consent of the director, a separate insurance policy may be issued for a specified plant or work location if the liability of such employer under this title to all other employees is otherwise secured.

(3) For the purposes of this title, as between the employee and the insurer, notice or knowledge of the injury to the employer shall be notice or knowledge to the insurer; jurisdiction over the employer shall be jurisdiction over the insurer; and the insurer shall be bound by and subject to any findings, judgments of fact, conclusions of law, awards, decrees, orders, or decisions rendered against the employer in the same manner and to the same extent as the employer.

(4) Every policy or contract of insurance issued pursuant to this title shall be reformed to contain a provision carrying out the provisions of subsection (3) of this section and a provision that insolvency or bankruptcy of the employer or his estate or discharge therein or both or any default of the employer shall not relieve the insurer from liability for compensation resulting from an injury otherwise covered under the policy with the insurer, during the policy period.

(5) The insurer shall be directly liable to any claimant, which liability may be enforced by such claimant against both the insurer and the employer, jointly and severally.

(6) As between any claimant and the insurer, no defense on the ground of breach of warranty or misrepresentation by the insured employer may be raised by the insurer.

(7) No statement in an employer's application for a policy of workmen's compensation insurance shall void such policy as between insurer and employer unless such statement shall be false and would materially have affected the acceptance of the risk if known by the insurer: PROVIDED, That in no case shall the invalidation of such policy as between the insurer and employer affect the insurer's obligation to provide compensation to claimants arising prior to the cancellation of such policy. In the event the insurer is required under this subsection to provide compensation under an invalid policy, the insurer shall be subrogated to the claimant's rights against the employer.

**NEW SECTION.** Sec. 81. (1) The state fund and private carriers may issue workmen's compensation insurance policies insuring an organization or association of employers as a dividend group if such organization or association complies with the following conditions:

(a) The organization was formed for a purpose other than that of obtaining workmen's compensation coverage;

(b) The occupations of the employers in the organization are substantially similar, taking into consideration the nature of the services being performed by workmen of such employers;

(c) The formation and operation of a group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

(2) Each member of an organization insured under a dividend group program shall be treated as a single and separate entity as respects rates, classifications, and rating plans.

(3) Private insurers insuring such groups shall be subject to the provisions of this title relating to rate making and rating organizations. The director shall certify such employers as a single employer group.

**NEW SECTION.** Sec. 82. If the director finds, after due notice and hearing at which the insurer shall be entitled to be heard and present evidence, that such insurer repeatedly has failed to comply with its obligations under this title, he may request the insurance commissioner to suspend or revoke the authority of such insurer to transact workmen's compensation insurance in this state. Such suspension or revocation shall not affect the liability of such insurer under policies in force prior to the suspension or revocation.

**NEW SECTION.** Sec. 83. Every private insurer desiring admission to transact workmen's compensation insurance under this title shall, as a prerequisite to admission, qualify under the insurance commissioner under the general provisions of chapter 48.05 RCW, except that no certificate of authority shall be issued to, or exist with respect to, the state fund. The limitation of RCW 48.05.330(1) shall not apply to workmen's compensation insurance. After admission every insurer shall deposit with the insurance commissioner security of the kind described in RCW 48.13.040 and 48.13.050 in an amount provided by this title in favor of the director as trustee for the payment of compensation to employees employed by employers insured by it.

**NEW SECTION.** Sec. 84. The security required by this title shall be in an amount:

(1) Not less than the sum of the following amounts computed, less credits and deductions allowable with respect to reinsurance in admitted insurers, as of the close of the last preceding December 31st in respect to workmen's compensation insurance written subject to the workmen's compensation laws of this state:

(a) The aggregate of the present values at four percent interest, of the determined and estimated future payments upon claims under compensation policies written more than three years prior to such date;

(b) The aggregate of the amounts computed as follows: For each of the preceding three years take sixty-five percent of the earned compensation premiums for that year and deduct all loss and loss expense payments made upon claims under policies written in the corresponding year from such sixty-five percent; except that the amount of each such year shall not be less than the present value at four percent interest of the determined and estimated unpaid claims under compensation policies written in that year.

(2) Not less than one hundred thousand dollars.

(3) If the aggregate amount computed under subsection (1) exceeds fifty thousand dollars, not more than double such aggregate amount.

**NEW SECTION.** Sec. 85. (1) The provisions of chapter 48.19 RCW relating to rate making and rating organizations shall apply to all private insurers qualifying under this title.

(2) Every such private insurer shall be a member of a workmen's compensation insurance rating organization. Such organization shall have as members not less than five insurers authorized to transact and transacting workmen's compensation insurance in this state, and whose combined experience shall be determined by the insurance commissioner to be reasonably adequate for rate-making purposes.

(3) The state fund may, at the discretion of the manager, be a member of a workmen's compensation insurance rating organization. Where the state fund is such a member, the state fund shall be entitled without election to membership on any committee thereof established in connection with the operation of such rating organization in this state.

**NEW SECTION.** Sec. 86. (1) Whenever compensation due under this title is not paid because of an uncorrected default of the insurer, self-insurer, or employer, such compensation shall be paid from the administrative fund.

(2) Where the default is the failure of the employer to secure the payment of compensation pursuant to section 69 of this 1971 amendatory act, the compensation required under this section shall be paid from the administrative fund in accordance with section 40 of this 1971 amendatory act.

(3) Where the default is the failure of an insurer or self-insurer to make payments, the compensation required by this section shall be paid from the administrative fund only after the moneys available from the bonds or other security provided under section 70 or section 83 of this 1971 amendatory act have been exhausted.

(4) Such defaulting employer, carrier or surety, if any, shall be liable for payment into the administrative fund of the amounts paid therefrom by the director, and for the purpose of enforcing this liability the director, for the benefit of the administrative fund, shall be subrogated to all of the rights of the person receiving such compensation.

**NEW SECTION.** Sec. 87. The powers, duties and functions of the industrial insurance division relating to insurance coverage, actuarial computations, claims settlement, collection, accounting, and all other powers necessary to administer the state fund as an insurer, which are not otherwise transferred by this 1971 amendatory act, are vested in the state fund as of the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 88. Every carrier authorized to transact the business of workmen's compensation insurance must write and carry all risks or insurance for which application is made to it, and any such carrier assuming such a risk shall carry it unless canceled, either by agreement between the director and the employer or in case of nonpayment of premium, upon approval by the director after thirty days' notice by such carrier to the director and the employer. Such approval shall rest in the sound discretion of the director.

Sec. 89. Section 51.24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51.24.020 are each amended to read as follows:

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the [state for the benefit of the accident fund and the medical aid fund] *carrier*; if the other choice is made, the [accident fund and the medical aid fund] *carrier* shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: **PROVIDED**, That the injured workman or if death results from his injury, his widow, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the [department for the benefit of the accident fund and the medical aid fund] *carrier* to the extent of such payments having been made by the [department] *carrier* to the injured workman or if death results from his injury, his widow, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the [state] *carrier* may be prosecuted or compromised by the [department] *carrier* in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good [out of the accident fund or the medical aid fund] by the *carrier* may be made only with the written approval of the [department] *carrier*. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.

*Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the carrier if after thirty days' notice the action is neither filed nor settled. If a cause of action which as been filed is not diligently prosecuted, the carrier shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the carrier. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.*

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the amount to be repaid to the [state of Washington] *carrier* as a result of said action shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or his widow, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

Sec. 90. Section 51.28.020, chapter 23, Laws of 1961 and RCW 51.28.020 are each amended to read as follows:

Where a workman is entitled to compensation under this title he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman. *The department shall forthwith send a copy of such claim to the workman's employer and carrier, if known.*

NEW SECTION. Sec. 91. There is added to chapter 23, Laws of 1961 and to chapter 51.28 RCW a new section to read as follows:

(1) Whenever an employer has notice or knowledge of an injury or occupational disease, he shall immediately report the same to the director on forms prescribed by the director and send a copy thereof to the employer's insurer, if any. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the employee;
- (c) The date, time, cause, and nature of the injury;
- (d) Whether the injury or occupational disease arose in the course of the injured employee's occupation; and

(e) Such other pertinent information as the director may prescribe by regulation.

(2) Wilful failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected in a civil action in the name of the director and paid into the administrative fund.

NEW SECTION. Sec. 92. There is added to chapter 23, Laws of 1961 and to chapter 51.28 RCW a new section to read as follows:

(1) Notice of an injury shall be given immediately by the claimant or his agent to the employer, but not later than thirty days after the injury. Notice of claims for occupational disease or infection to be valid and collectible must also be given within thirty days following the date the employee had notice from a physician of the existence of his occupational disease. The employer shall acknowledge forthwith receipt of such notice.

(2) The notice shall be in writing and shall apprise the employer when and where and how the injury or disease occurred. A report or statement secured from an employee concerning an injury in the course of employment shall constitute notice from the employee and the employer shall forthwith furnish the employee a copy of any such report or statement.

(3) Notice shall be given to the employer by mail, addressed to the employer at his last known place of business, or by personal delivery to the employer or to a foreman or superintendent of the employer. If for any reason it is not possible so to notify the employer, notice may be given by certified mail to the director at Olympia, who shall send a copy to the employer.

(4) Failure to give notice as required by this section bars a claim under this title unless the notice is given within one year after the date of the injury or after the date the employee had notice from a physician of the existence of his disease, and the claimant establishes good cause for failure to give notice within the specified thirty-day period.

(5) The issue of failure to give notice must be raised at the first hearing, on a claim for compensation in respect to the injury, or it is waived.

(6) The director shall promulgate and prescribe uniform forms to be used by employees in reporting injuries to employers. These forms shall be supplied by all employers to employees upon request of the employee or some other person on his behalf. Nothing contained in this section, however, shall defeat the claim of any employee who does not use the suggested form but otherwise substantially complies with this section.

Sec. 93. Section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030 are each amended to read as follows:

Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department. *The department shall forthwith send a copy of such application to the deceased workman's employer and carrier, if known.*

Sec. 94. Section 51.32.010, chapter 23, Laws of 1961 and RCW 51.32.010 are each amended to read as follows:

Each workman injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive [out of the accident fund] compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: PROVIDED, That if an injured workman, or the surviving spouse of an injured workman shall not have the custody of a child for, or on account of whom payments are required to be made under this chapter, such payment or payments shall be made to the person having the lawful custody of such child.

Sec. 95. Section 1, chapter 107, Laws of 1961 and RCW 51.32.015 are each amended to read as follows:

The benefits of Title 51 shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as

are occupied, used or contracted for by the employer for the business or work process in which the employer is then engaged: PROVIDED, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman, shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period in [workman hours] *his payroll* for the purpose of reporting to the department unless the workman is actually paid for such period of time.

Sec. 96. Section 51.32.020, chapter 23, Laws of 1961 and RCW 51.32.020 are each amended to read as follows:

If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a [crime] *felony, or while the workman is intoxicated and if such intoxication is the proximate cause of his injury or death*, neither the workman nor the widow, widower, child, or dependent of the workman shall receive any payment [whatsoever out of the accident fund] *under this title*.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased workman and, at the same time, as the stepchild of a deceased workman.

Sec. 97. Section 51.32.040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title [out of the accident fund or out of the medical aid fund] shall, prior to the issuance and delivery of the *check or warrant* therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled by the [department] *carrier* during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

Sec. 98. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed [six] *seven hundred fifty* dollars shall be paid to the undertaker conducting the funeral.

(2) If the workman leaves a widow or invalid widower, a monthly payment of one hundred [forty] *seventy-five* dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, [thirty-seven] *forty-five* dollars, for the next or second youngest child, [thirty-one] *thirty-seven* dollars, and for each additional child, [twenty-three] *twenty-eight* dollars, but the total monthly payments shall not exceed [two hundred seventy-seven] *three hundred forty-one* dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving widow or invalid widower of any such deceased workman shall be forthwith paid the sum of [six hundred] *seven hundred fifty* dollars.



Upon remarriage of a widow she shall receive, once and for all, a lump sum of [two] five thousand dollars, or fifty percent of the then remaining annuity value of her pension whichever is the lesser; and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of [seventy] eighty-five dollars shall be paid to each such child, but the total monthly payments shall not exceed [three hundred fifty] four hundred twenty-five dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of [seventy] eighty-five dollars per month, but the total monthly payment shall not exceed [three hundred fifty] four hundred twenty-five dollars and any deficit shall be deducted proportionately among the beneficiaries.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed one hundred [twenty-five] fifty dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive one hundred [forty] seventy-five dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, [thirty-seven] forty-five dollars, for the next or second youngest child, [thirty-one] thirty-seven dollars, and for each additional child [twenty-three] twenty-eight dollars: PROVIDED, That the total monthly payments shall not exceed [two hundred seventy-seven] three hundred forty-one dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive [seventy] eighty-five dollars per month, but the total monthly payment to such children shall not exceed [three hundred fifty] four hundred twenty-five dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 99. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When [the supervisor of industrial insurance shall determine that] permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of [one] two hundred [eighty-five] twenty-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of two hundred [fifteen] fifty-five dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of [one] two hundred [seventy-five] ten dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by [thirty-seven] forty-five dollars for the youngest or only child, [thirty-one] thirty-seven dollars for the next or second youngest child, and [twenty-three] twenty-eight dollars for each additional child, but the total monthly payments shall not exceed [three hundred fifty-two] four hundred twenty-one dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred [twenty-two] seventy-six dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.

(5) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the hiring of services of an attendant, the monthly payment to such workman shall be increased in an amount not to exceed one hundred [fifteen] forty dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapter[s] 51.36 [and 51.40].

(6) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

Sec. 100. Section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, [1965] 1971, be paid one hundred [twenty-five] forty dollars per month, and every permanently totally disabled workman receiving a pension under this title, shall, after such date, be paid one hundred [sixty-five]

eighty-five dollars per month, and not to exceed one hundred fifteen dollars per month additional in cases requiring the hiring of the services of an attendant, if unmarried at the time his injury occurred; [one hundred ninety] two hundred fifteen dollars per month, and not to exceed one hundred fifteen dollars per month additional in cases requiring the hiring of the services of an attendant, if he or she has a wife or invalid husband; and one hundred [fifty-five] seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the hiring of the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

[No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay] There shall be paid monthly to every such widow, invalid widower, and totally disabled workman from the [funds appropriated by the legislature] supplemental pension fund such an amount as will, when added to the pensions they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

[The legislature shall make biennial appropriations to carry out the purposes of this section.]

NEW SECTION. Sec. 101. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Each employer shall retain from the earnings of each workman that number of cents as shall be fixed from time to time by the director for each day or part thereof the workman is employed. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department at such intervals as the department directs and shall be placed in the supplemental pension fund created by this 1971 amendatory act. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

Sec. 102. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below tuberosity of ischium) . . . . .	\$15,000.00
Of leg at or above knee joint with functional stump . . . . .	13,500.00
Of leg below knee joint . . . . .	12,000.00
Of leg at ankle (Syme) . . . . .	10,500.00
Of foot at mid-metatarsals . . . . .	5,250.00
Of great toe with resection of metatarsal bone . . . . .	3,150.00
Of great toe at metatarsophalangeal joint . . . . .	1,890.00
Of great toe at interphalangeal joint . . . . .	1,000.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone . . . . .	1,150.00
Of lesser toe at metatarsophalangeal joint . . . . .	560.00
Of lesser toe at proximal interphalangeal joint . . . . .	415.00
Of lesser toe at distal interphalangeal joint . . . . .	105.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder . . . . .	15,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon . . . . .	14,250.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand . . . . .	13,500.00
Of all fingers except the thumb at metacarpophalangeal joints . . . . .	8,100.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone . . . . .	5,400.00
Of thumb at interphalangeal joint . . . . .	2,700.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	3,375.00
Of index finger at proximal interphalangeal joint . . . . .	2,700.00
Of index finger at distal interphalangeal joint . . . . .	1,485.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	2,700.00

Of middle finger at proximal interphalangeal joint . . . . .	2,160.00
Of middle finger at distal interphalangeal joint . . . . .	1,215.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	1,350.00
Of ring finger at proximal interphalangeal joint . . . . .	1,080.00
Of ring finger at distal interphalangeal joint . . . . .	675.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	675.00
Of little finger at proximal interphalangeal joint . . . . .	540.00
Of little finger at distal interphalangeal joint . . . . .	270.00

MISCELLANEOUS

Loss of one eye by enucleation . . . . .	6,000.00
Loss of central visual acuity in one eye . . . . .	5,000.00
Complete loss of hearing in both ears . . . . .	12,000.00
Complete loss of hearing in one ear . . . . .	2,000.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability involving the extremities but not involving amputation shall be in an amount equal to [eight-five percent of] the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability [, but not in any case to exceed the sum of twelve thousand seven hundred fifty dollars:]. Compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department may enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments: AND PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of [twelve thousand seven hundred and fifty dollars] twenty thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsection (1) and (2) exceeds one thousand dollars, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in the amount of one thousand dollars and interest shall be paid at the rate of five percent on the unpaid balance of such compensation commencing with the second monthly payment: [PROVIDED, That interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account:] PROVIDED [FURTHER], That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 103. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), (3) and (4) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time is the total temporary disability continues, shall be per month as follows, to

wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.]

*When the total disability is only temporary, the workman shall receive monthly during the period of such disability:*

- (1) *If unmarried at the time of injury, sixty percent of wages.*
- (2) *If married sixty-five percent of wages.*
- (3) *If married with one child, sixty-seven percent of wages.*
- (4) *If married with two children, sixty-nine percent of wages.*
- (5) *If married with three children, seventy-one percent of wages.*
- (6) *If married with four children, seventy-three percent of wages.*
- (7) *If married with five or more children, seventy-five percent of wages.*
- (8) *If unmarried at the time of injury with one child, sixty-two percent of wages.*
- (9) *If unmarried at the time of injury with two children, sixty-four percent of wages.*
- (10) *If unmarried at the time of injury with three children, sixty-six percent of wages.*
- (11) *If unmarried at the time of injury with four children, sixty-eight percent of wages.*
- (12) *If unmarried at the time of injury with five or more children, seventy percent of wages.*

(13) *The maximum benefits payable under this section shall not exceed sixty-six and two-thirds percent of the state's average monthly wage to be determined by dividing the state's average annual wage calculated under RCW 50.04.355 by twelve and rounding to the nearest lower multiple of one dollar.*

(14) *For any period of time where both husband and wife are entitled to compensation as temporarily and totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.*

(15) *For purpose of this section, the monthly wages the workman was receiving from all employment at the time of injury shall be the basis upon which compensation is computed. In cases where the workman's wages are not fixed by the month, they shall be determined by multiplying the daily wage the workman was receiving at the time of injury:*

- (a) *By five, if the workman was normally employed one day a week;*
- (b) *By nine, if the workman was normally employed two days a week;*
- (c) *By thirteen, if the workman was normally employed three days a week;*
- (d) *By eighteen, if the workman was normally employed four days a week;*
- (e) *By twenty-two, if the workman was normally employed five days a week;*
- (f) *By twenty-six, if the workman was normally employed six days a week;*
- (g) *By thirty, if the workman was normally employed seven days a week.*

*The term "wages" shall include the reasonable value of board, housing, fuel or any other consideration of like nature received from the employer, but shall not include overtime pay, tips or gratuities. The daily wage shall be taken to be eight times the hourly wage unless the workman is normally employed for less than eight hours.*

(16) *For purposes of this section, the monthly wages of a workman who works on a seasonal basis shall not exceed one-twelfth of the actual wages received by such workman in the twelve-month period immediately preceding the injury.*

(17) *In cases where a wage has not been fixed or cannot reasonably and fairly be determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.*

[(3)] (18) *As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable [out of the accident fund] unless the loss of earning power shall exceed five percent.*

[(4)] (19) *No workman shall receive compensation [out of the accident fund] for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of [thirty] fourteen consecutive calendar days from date of injury.*

[(5)] (20) *Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in*

[subsection (1) of] this section [from the accident fund] during the period his employer shall so pay such wages.

**NEW SECTION** Sec. 104. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

The director shall appoint advisory committees or councils whose membership shall consist of individuals whose experience, training, and interests in vocational rehabilitation or retraining qualify them to lend valuable assistance to the supervisor of industrial insurance in all phases of a program of vocational rehabilitation or retraining as may be reasonable to qualify the workman for employment consistent with his physical and mental status. Where, after evaluation and recommendation by such a committee or council and prior to final evaluation of the workman's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured workman to a form of gainful employment, the supervisor may, in his sole discretion, continue the temporary total disability compensation under this title while the workman is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: **PROVIDED**, That such compensation may not be authorized for a period of more than fifty-two weeks: **PROVIDED FURTHER**, That such period may, in the sole discretion of the director after his review, be extended for an additional twenty-six weeks or portion thereof by written order of the director.

In cases where the workman is required to reside away from his regular residence, the reasonable cost of board and lodging shall also be paid. Said costs shall not be chargeable to the employer's cost experience but shall be paid out of the accident fund and charged back to each class on June 30th and December 31st of each year in proportion to its premium contributions for the preceding calendar year. Effective on January 1, 1973, said costs shall be paid out of the administrative fund.

Sec. 105. Section 51.32.100, chapter 23, Laws of 1961 and RCW 51.32.100 are each amended to read as follows:

If it is determined [by the department] that an injured workman had, at the time of his injury, a preexisting disease and that such disease delays or prevents complete recovery from such injury, [the said department] *it shall be ascertained*, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and the extent of permanent partial disability which the injury would have caused were it not for the disease, and [award] compensation *shall be awarded* only therefor.

Sec. 106. Section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110 are each amended to read as follows:

Any workman entitled to receive compensation under this title shall, if requested by the department *or carrier*, submit himself for medical examination, at a time and from time to time, at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to [any such] *medical* examination, or obstructs the same, [his rights to monthly payments shall be suspended until such examination has taken place and no compensation shall be payable during or for such period] or, if any injured workman shall persist in unsanitary or injurious practices which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the [department] *carrier with notice to the director and the workman and upon approval by the director may [reduce or] suspend the compensation of such workman so long as such refusal or practice continues*. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him out of the [accident] *administrative* fund upon proper voucher and audit.

Sec. 107. Section 51.32.140, chapter 23, Laws of 1961 and RCW 51.32.140 are each amended to read as follows:

Except as otherwise provided by treaty, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, [the department] *there shall [pay] be paid* fifty percent of the compensation herein otherwise provided to such beneficiary. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking in the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due.

**NEW SECTION** Sec. 108. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

If there is uncertainty as to which of several employers is the true employer of the claimant, the director shall designate by order which employer shall pay the claim, if the claim is otherwise compensable. Payment of income benefits under these circumstances must begin within thirty days after the director has been notified of the accident. When a determination of the true employer or employers has been made, the director shall direct any necessary monetary adjustment between the parties involved.

**NEW SECTION** Sec. 109. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

(1) One purpose of this title is to restore the injured workman as near as possible to the condition of self-support as an able-bodied workman. Income benefits for permanent disability shall be determined under the director's supervision only after the injured workman's condition becomes fixed.

(2) All requests for determination of permanent disabilities shall be made to the department. Either the workman, employer, or carrier may make such requests or such inquiry may be initiated by the director on his own motion. Such requests shall be made on a form prescribed by the director and shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer, and carrier shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the workman present himself for a special medical examination by a physician, or physicians, selected by the department and for a personal interview. In such event the costs of such examination, and interview including payment of any reasonable travel expenses shall be paid out of the administrative fund. The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment.

(5) Where dispute arises from the handling of any claims prior to the condition of the injured workman becoming fixed, the workman, employer, or carrier may request the department to resolve the dispute or the director may initiate an inquiry on his own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

(6) There shall be a presumption that in any case where the director or department is empowered to enter an order or make a determination that such order or determination is well founded and such presumption may be overcome only if the party appealing therefrom shows by substantial evidence that such order or determination is in error.

**NEW SECTION.** Sec. 110. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

(1) Written notice of acceptance or denial of a claim for benefits shall be mailed to the claimant and the director within sixty days after the employer has notice of the claim.

(2) If the employer denies a claim for compensation, written notice of such denial, informing the claimant of hearing rights under this title shall be mailed or given to the claimant and the director within sixty days after the employer has notice of the claim.

(3) Until such time as the department has entered an order in a disputed case acceptance of compensation by the claimant shall not be considered a binding determination of his rights under this title. Likewise the payment of compensation shall not be considered a binding determination of the obligations of the employer or carrier as to future compensation payments.

(4) Upon making the first payment of income benefits, and upon stopping or changing of such benefits except where a determination of the permanent disability has been made as elsewhere provided in this title, the employer or carrier shall immediately notify the director in accordance with a form to be prescribed by the director that the payment of income benefits has begun or has been stopped or changed.

(5) If, after the payment of compensation without an award, the employer elects to controvert the right to compensation, the payment of compensation shall not be considered a binding determination of the obligations of the employer as to future compensation payments. The acceptance of compensation by the employee or his dependents shall not be considered a binding determination of their rights under this act.

(6) The director (a) may, upon his own initiative at any time in a case in which payments are being made without an award, and (b) shall, upon receipt of information from any person claiming to be entitled to compensation, from the employer, or otherwise that the right to compensation is controverted, or that payment of compensation has been opposed, stopped or changed, whether or not claim has been filed, promptly make such inquiry as circumstances require, cause such medical examinations to be made, hold such hearings, make such determinations or awards, and take such further action as he considers will properly protect the rights of all parties.

(7) The director, upon his own initiative, may make such inquiry as circumstances require or is necessary to protect the rights of all the parties and he may enact rules and regulations providing for procedures to ensure fair and prompt handling by employers or carriers of the claims of workmen and beneficiaries.

**NEW SECTION.** Sec. 111. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

(1) If an employer or carrier fails, refuses, or neglects to comply with a compensation order which has become final and is not subject to review or appeal, the director or any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the employee resides, or, if the employee is not then a resident of this state, in the superior court for the county in which the employer or carrier may be served with process.

(2) In the absence of a showing of fraud in the procurement of the compensation order, and if it is found that the order was served in accordance with the provisions of this title, does not contain clerical error, and has not been complied with by the employer or carrier, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order.

(3) The court may issue such writs and processes as are necessary to carry out its orders.

(4) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

Sec. 112. Section 51.32.180, chapter 23, Laws of 1961 and RCW 51.32.180 are each amended to read as follows:

Every workman who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his family and dependents in case of death of the workman from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in employment under [the industrial insurance and medical aid acts of the state] *this title*: PROVIDED, HOWEVER, That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

Sec. 113. Section 51.36.010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.010 are each amended to read as follows:

Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive [, in addition to such compensation and out of the medical aid fund,] proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him [out of the accident fund] shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him [out of the accident fund] shall cease: PROVIDED, That after any injured workman has returned to his work his medical and surgical treatment may be continued if, and so long as such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such workman's life. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

Sec. 114. Section 51.36.020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.020 are each amended to read as follows:

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer or carrier shall [, at the expense of the medical aid fund,] furnish transportation to the nearest place of proper treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes to be purchased by the [department at the expense of the accident fund] *employer or carrier*. Every workman, who suffers an injury to an eye producing an error of refraction, shall be once provided [, at the expense of the accident fund,] proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced [at the expense of the accident fund]. Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced [at the expense of the accident fund]. The [accident fund] *employer or carrier* shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, may be provided [at the expense of the medical aid fund] and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law [, at the expense of the accident fund]. A workman, whose injury is of such short duration as to bring him within the provisions of subsection [(4)] (19) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

**NEW SECTION.** Sec. 115. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

The department may operate and control a rehabilitation center and may contract with carriers for use of any such center on such terms as the director deems reasonable.

Sec. 116. Section 2, chapter 107, Laws of 1961 and RCW 51.36.040 are each amended to read as follows:

The benefits of Title 51 shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as

are occupied, used or contracted for by the employer for the business of work process in which the employer is then engaged: PROVIDED, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period [in workman hours] for the purpose of reporting [to the department] *his payroll* unless the workman is actually paid for such period of time.

**NEW SECTION.** Sec. 117. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

Physicians attending injured employees shall comply with rules and regulations adopted by the director, and shall make such reports as may be requested by the director upon the condition or treatment of any injured employee, or upon any other matters concerning injured employees in their care. All medical information in the possession or control of any person and relevant to the particular injury shall be available to the employer, carrier, and the director, and no person shall incur any legal liability by reason of releasing such information.

**NEW SECTION.** Sec. 118. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

Whenever the director or the carrier deems it necessary in order to resolve any medical issue, a workman shall submit to examination by a physician or physicians selected by the director or carrier, as the case may be, with the rendition of a report to the person ordering the examination. The director, in his discretion, may charge the cost of such examination or examinations ordered by him to the carrier or to the administrative fund. The cost of said examination shall include payment to the workman of reasonable expenses connected therewith, including travel expense and any actual loss of wages.

**NEW SECTION.** Sec. 119. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

All fees and medical charges under this title shall conform to regulations promulgated by the director.

**NEW SECTION.** Sec. 120. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

The director, after consultation with the Washington state medical association, shall appoint a medical director who shall perform the following functions for which he shall be responsible to the director:

(1) Institute administrative procedures that will enable the director to evaluate medical care in order to effect optimal medical treatment and rehabilitation in workmen's compensation cases.

(2) Inquire into instances where the medical treatment or rehabilitation provided in workmen's compensation cases appears to be deficient and to recommend corrective action when indicated.

(3) Advise on the disposition of complaints of a physician's failure to furnish adequate medical care as required by this title or by rules and regulations adopted by the director, the disposition of complaints concerning other aspects of the medical management of a workmen's compensation case or the failure to render required reports and the disposition of complaints of unreasonable interference with the medical management of a workmen's compensation case.

(4) Gather data and maintain records necessary to fulfill the medical director's responsibilities.

(5) Conduct studies and prepare reports on the medical and rehabilitative aspects of workmen's compensation.

(6) Expedite the submission and processing of medical reports necessary to the processing of claims.

(7) Develop procedures to achieve impartiality in medical testimony in workmen's compensation cases.

(8) Keep physicians currently informed of this title and of rules and regulations thereunder adopted by the director and of their responsibilities thereunder.

(9) Undertake such other functions as may be delegated to him by the director.

**NEW SECTION.** Sec. 121. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

The director, after consultation with the Washington state medical association, shall appoint a medical advisory committee of five members, including, but not limited to, representatives of the Washington state medical association. The committee shall meet at least quarterly in the office of the director. The medical director shall be the executive secretary of the medical advisory committee.

**NEW SECTION.** Sec. 122. There is added to chapter 23, Laws of 1961 and to chapter 51.36 RCW a new section to read as follows:

The director shall assign to the medical advisory committee such powers and duties as he deems necessary, including the following:

(1) Advise the director with respect to the constitution of impartial medical panels from among whose members the director shall select a physician to make a report to him whenever, in his opinion, an independent medical opinion is necessary.

(2) Advise on the gathering of statistics, the maintenance of records, and the rendition of reports under this title and under rules and regulations adopted by the director.



(3) Assist in keeping physicians currently informed of this title and of rules and regulations adopted by the director and of their responsibilities thereunder.

(4) Advise and assist in the achievement of impartiality in medical testimony in workmen's compensation cases.

(5) Encourage the expansion and improvement of existing rehabilitation facilities and the development of additional facilities to insure optimal rehabilitation in workmen's compensation cases.

(6) Recommend improvement in the methods of measuring physical impairment in workmen's compensation cases.

(7) Recommend improvements in this title and in rules and regulations adopted by the director and in their administration to insure optimal medical care and rehabilitation.

(8) Assist in developing guidelines for determination of disputed questions of medical fact.

Sec. 123. Section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "reserve fund." *The manager shall be the administrator thereof.*

Sec. 124. Section 51.44.070, chapter 23, Laws of 1961 as amended by section 5, chapter 274, Laws of 1961 and RCW 51.44.070 are each amended to read as follows:

For every case resulting in death or permanent total disability the [department] *state fund* shall transfer on its books from the [accident] fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. [Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of three percent per annum.] *Such annuity values shall be based upon rates of mortality, disability, remarriage and interest as determined by the state insurance commissioner, taking into account the experience of the reserve fund in such respects.*

Sec. 125. Section 51.44.080, chapter 23, Laws of 1961 and RCW 51.44.080 are each amended to read as follows:

The [department] *state fund* shall notify the state treasurer from time to time, of such transfers as a whole from the [accident] *state fund* to the reserve fund and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The [department] *manager* shall, on [October 1st] *June 30th* of each year, apportion the interest or other earnings of the reserve fund, as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after [October 1st] *June 30th* of each year the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of [October 1st] *June 30th* of that year and the relation of its outstanding annuities at their then value *on the bases currently employed for new cases* to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the [department] *state fund* and to the state treasurer in writing not later than [December 31st] *September 30th* following. If the report shows that there was on said [October 1st] *June 30th*, in the reserve fund of any class in cash or at interest, a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the [accident] fund of that class but, if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the [accident] fund of that class.

Sec. 126. Section 51.44.090, chapter 23, Laws of 1961 and RCW 51.44.090 are each amended to read as follows:

The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve fund shall at all times, as nearly as may be, be properly and fully invested and, to meet current demands for pension or lump sum payments, may, if necessary, make temporary loans to the reserve fund out of the [accident] fund for that class, repaying the same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

**NEW SECTION.** Sec. 127. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "state workmen's compensation fund". The manager shall be the administrator thereof.

**NEW SECTION.** Sec. 128. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

The state fund may set aside such other reserve accounts as the manager deems necessary.

**NEW SECTION.** Sec. 129. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "administrative fund". The director shall be the administrator thereof. The administrative fund is established to provide for the payment of all expenses of the department and the board with respect to the administration of their respective duties under this title and for the other purposes provided under this title. There shall be one

appropriation for the department, and a separate appropriation for the board. Any money appropriated from the general fund for the uses and purposes of the administrative fund shall be placed therein.

**NEW SECTION.** Sec. 130. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

(1) The director shall impose and collect assessments each fiscal year upon all carriers in the amount of the estimated costs of administering this title during such fiscal year. The assessments shall be paid into the administrative fund. The costs shall be estimated and prorated as provided in this section. The time and manner of imposing and collecting assessments due the administrative fund shall be set forth in regulations promulgated by the director in accordance with chapter 34.04 RCW.

(2) The total costs of administering this title during the fiscal year shall be estimated by the director using the actual costs of the preceding fiscal year as the base. The administrative costs incurred during the preceding fiscal year shall be determined by the director as soon as practicable after every June 30th. An itemized statement of the expenses so determined, and the estimate for the next fiscal year, shall be kept open to public inspection in the principal office of the director for at least thirty days after notice to all carriers affected thereby. The director shall make no assessments under this section until the statement required by this subsection has been open to inspection for at least thirty days.

(3) The assessment upon each carrier shall be in the same proportion to the administrative costs to be apportioned as the adjusted premiums charged by the carrier computed under subsection (4) of this section bore to the total adjusted premiums charged in the state of Washington by all carriers during the preceding fiscal year.

(4) As used in this section, "adjusted premium" means:

(a) In the case of insurers and the state fund, the gross direct premium received for workmen's compensation insurance under this act, less premiums returned, earned premium deposits, and dividends or savings actually paid or credited, determined in accordance with uniform rules promulgated by the director upon consultation with the insurance commissioner.

(b) In the case of self-insurers, the premium determined by the director, including the deductions authorized in paragraph (a) of this subsection, which it is estimated each self-insurer would have paid had he secured his liability under this title either through the state fund or by private insurance, whichever would have provided the lower rate; such premium to be determined on the basis of uniform rules established by the insurance commissioner.

(5) Any insurer liable to pay an assessment upon its workmen's compensation premiums under this section shall not be liable to pay any other assessment or further tax or taxes upon such premiums under any other law of this state.

**NEW SECTION.** Sec. 131. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

The manager of the state fund shall transfer to the administrative fund in the first year of its operation an amount to be determined by the director to be necessary to initiate the functioning of the fund. The first such transfer shall be made on the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 132. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

The administrative costs to be apportioned under this title shall include yearly an item which, upon being collected, shall be transferred to the state fund until the total amount which had been transferred from the state fund to the administrative fund pursuant to this title, together with interest of four and one-half percent per annum, is transferred. To facilitate accounting, the director, with the consent of the state auditor, may allow the annual amount due the state fund to be offset against the assessments due the administrative fund by the state fund for periods on and after the effective date of this 1971 amendatory act. The obligation to the state fund shall be satisfied within five years of the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 133. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments prescribed in RCW 51.32.070.

**NEW SECTION.** Sec. 134. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

Any moneys remaining from funds appropriated by the legislature for the purposes of making additional payments to prior pensioners under prior provisions of RCW 51.32.070, and any liabilities in connection therewith, are transferred to the supplemental pension fund on the effective date of this new 1971 section.

**NEW SECTION.** Sec. 135. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "second injury fund" for the sole purpose of making payments in accordance with RCW 51.16.120. Said fund shall be administered by the director. The state treasurer shall be the custodian of the fund and all moneys and securities in the fund shall be held in trust by him and shall not be money or property of the state.

The state treasurer is authorized to disburse moneys from the fund only upon written order of the director.

Each carrier shall under the rules and regulations prescribed by the director make payments to the fund pursuant to the assessments made by the director which shall be in the proportion which the total income benefits paid by such carrier bore to the total income benefits paid by all carriers during the fiscal year which ended on the preceding calendar year. An employer who has ceased to be a self-insurer shall continue to be liable for any assessments into the fund on account of any income benefits paid by him during such fiscal year.

**NEW SECTION.** Sec. 136. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

The moneys in the second injury account previously maintained under RCW 51.44.030 are transferred to the second injury fund on the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 137. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

The director shall be charged with the conservation of the assets of the second injury fund. He shall be entitled to appear as a party in all legal proceedings involving such fund and shall be represented by the attorney general.

**NEW SECTION.** Sec. 138. There is added to chapter 23, Laws of 1961 and to chapter 51.44 RCW a new section to read as follows:

If the second injury fund becomes exhausted, the director may authorize payments therefrom to be made from the administrative fund subject to reimbursement from the second injury fund in a manner to be determined by the director.

Sec. 139. Section 51.44.100, chapter 23, Laws of 1961 as last amended by section 1, chapter 41, Laws of 1965 ex. sess. and RCW 51.44.100 are each amended to read as follows:

Whenever, in the judgment of the state finance committee, there shall be in the [accident fund, medical aid fund, or in the reserve fund] *various funds*, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest such excess funds in national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the state employees' retirement funds. The committee may, in addition, invest such excess funds in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction.

Sec. 140. Section 51.44.110, chapter 23, Laws of 1961 and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the state auditor upon vouchers therefor transmitted to him by the [department] *manager or director on the applicable fund* and audited by him. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the *state workmen's compensation fund* on which any such warrant is drawn wherewith to pay the same, the employer *insured by the state fund* on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable, and, if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund.

Sec. 141. Section 51.48.010, chapter 23, Laws of 1961 and RCW 51.48.010 are each amended to read as follows:

Every employer [who fails to furnish an estimate of payroll and workmen hours and make payments as provided in RCW 51.16.110] shall be liable [to a penalty of not to exceed five hundred dollars] *for the penalties described in this title* and shall also be liable if an [accident] *injury or occupational disease* has been sustained by [an employee] *a workman* prior to the time [such estimate is received by the department,] *he has secured the payment of such compensation* to a penalty in a sum equal to fifty percent of the cost [to the accident fund and medical aid fund] for such [accident] *injury or occupational disease*, for the benefit of the [accident] *administrative fund* [and medical aid fund].

**NEW SECTION.** Sec. 142. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

No person shall engage as a subject employer in this state unless and until he has secured the payment of compensation under this title. Any employer who engages in work who has not secured the payment of compensation under this title shall be guilty of a misdemeanor. Violation of this section is punishable, upon conviction, by a fine of not less than twenty-five dollars nor more than one hundred dollars. Each day such person engages as a subject employer in violation of this section constitutes a separate offense. Any fines paid pursuant to this section shall be paid directly by the court to the director for deposit in the administrative fund.

Sec. 143. Section 51.48.020, chapter 23, Laws of 1961 and RCW 51.48.020 are each amended to read as follows:

Any employer, who misrepresents to the [department] *state fund* the amount of his payroll [or the number of workman hours] upon which the premium under this title is based, shall be liable to the state fund in ten times the amount of the difference in premiums paid and the amount the employer should have paid *and for the reasonable expenses of auditing his books and collecting such sums. Such liability may be enforced in the name of the state fund.* [, and] *Such an employer shall also be guilty of a misdemeanor if such misrepresentations are made knowingly.*

**NEW SECTION.** Sec. 144. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

(1) Every employer insured with the state fund shall keep a true and accurate record of the number of his workmen, the occupations at which and the number of days or parts of days any of his workmen are employed and such other records as may be necessary for the administration of this title.

(2) The records required by subsection (1) of this section shall be open to the inspection of the state fund for the purpose of ascertaining the correctness of the payroll, the number of workmen employed, and such other information as may be necessary for the administration of the state fund. Every employer shall furnish a sworn statement of such records to the state fund upon request.

(3) Failure on the part of such employer to submit such books, records, and payrolls for inspection to any authorized representative of the state fund, or a refusal on the part of an employer to keep a payroll in accordance with this section, shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected in a civil action in the name of the state fund.

Sec. 145. Section 51.48.030, chapter 23, Laws of 1961 and RCW 51.48.030 are each amended to read as follows:

Every [person, firm, or corporation] *employer* who fails to keep the records required by this title or fails to make the reports [in the manner and at the time] provided in [chapter 51.16] *this title* shall be subject to a penalty of not to exceed one hundred dollars for each such offense.

Sec. 146. Section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040 are each amended to read as follows:

The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or [its] *the state fund or their traveling auditors, agents or assistants,* for the purpose of ascertaining the correctness of the payroll, the men employed, and such other information as may be necessary for the department and [its management] *the state fund in carrying out their duties* under this title. Refusal on the part of the employer to submit his books, records and payrolls for such inspection to the department, or *state fund,* or any assistant presenting written authority from the director, or *manager* shall subject the offending employer to a penalty of one hundred dollars for each offense and the individual who personally gives such refusal shall be guilty of a misdemeanor.

Sec. 147. Section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070 are each amended to read as follows:

If any workman is injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or is, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he is engaged when injured the employer shall, within ten days after the demand therefor by the department, pay into the [accident] *administrative* fund in addition to all other payments required by law:

(1) In case the consequent payment of *income benefits* to the workman [out of the accident fund] is [a lump sum] *an award for permanent partial disability,* a sum equal to fifty percent of that amount.

(2) In case the consequent payment to the workman or *beneficiary* is payable in monthly payments, a sum equal to fifty percent of the lump value of such monthly payment, estimated in accordance with the rule stated in RCW 51.32.130.

The foregoing provisions shall not apply to the employer if the absence of such guard or protection is due to the removal thereof by the injured workman himself or with his knowledge by any of his fellow workmen, unless such removal is by order or direction of the employer or superintendent or foreman of the employer, or any one placed by the employer in control or direction of such workman. If the removal of such guard or protection is by the workman himself or with his consent by any of his fellow workmen, unless by order or direction of the employer or the superintendent or foreman of the employer, or any one placed by the employer in control or direction of such workman, the schedule of compensation provided in [chapter 51.32] *this title* shall be reduced ten percent for the individual case of such workman.

Sec. 148. Section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090 are each amended to read as follows:

Civil penalties to the state under this title shall be collected by civil action in the name of the state and paid into the [accident] *administrative* fund unless a different fund is designated.

**NEW SECTION.** Sec. 149. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

Where death results from the injury and the deceased leaves no beneficiaries, the carrier shall pay into the administrative fund the sum of ten thousand dollars.

*NEW SECTION.* Sec. 150. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

If the carrier unreasonably delays or refuses to pay income benefits as they become due there shall be paid by the carrier upon order of the director an additional amount equal to twenty-five percent of the amount then due which shall accrue for the benefit of the claimant and shall be paid to him with the income benefits which may be assessed under this title. Such an order shall conform to the requirements of RCW 51.52.050.

*NEW SECTION.* Sec. 151. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

(1) In every case where an employer insured with the state fund fails or refuses to file any report of payroll required by the state fund and fails or refuses to pay the premiums due on such unreported payroll, the state fund shall have authority to estimate such payroll and collect premiums on the basis of such estimate.

(2) If the report required and the premiums due thereon are not made within ten days from the mailing of such demand, the employer shall be in default as provided by this title and the state fund may have and recover judgment or file liens for such estimated premium or the actual premium, whichever is greater.

*NEW SECTION.* Sec. 152. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

(1) Any employer required to secure payment of compensation under this title who wilfully fails to secure the payment of such compensation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not more than one thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment; and in any case where the employer is a corporation, any officer or employee of the corporation who had authority to secure payment of compensation on behalf of the corporation and wilfully failed to do so shall be individually liable to a similar fine and imprisonment; and such officer or employee shall be personally liable, jointly and severally, with such corporation for any compensation which may accrue under this title in respect to any injury or occupational disease which may occur to any workman employed by such corporation while it shall so fail to secure the payment of compensation as required by this title. The fines shall be paid directly by the court to the director for deposit in the administrative fund.

(2) Any employer who knowingly transfers, sells, encumbers, assigns, or in any manner disposes of, conceals, secretes, or destroys, any property or records belonging to such employer after one of his employees has been injured within the purview of this title, and with intent to avoid the payment of compensation under this title, to any workman or beneficiary, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both; and in any occasion where such employer is a corporation, any officer or employee thereof, if knowingly participating or acquiescing in the act, shall also be individually liable to such penalty of imprisonment as well as jointly and severally liable with such corporation for such fine.

(3) An employer who has failed to secure payment of compensation for more than twenty days shall pay into the administrative fund as a civil penalty for such failure an amount equal to one percent of his payroll of workmen covered by this title for the time during which such failure continued but for not more than three consecutive years. The assessment shall be made by the director for the year or years immediately preceding the date on which such assessment is made against the employer. The assessment may be collected as a civil penalty in an action brought by the director against the employer for and on behalf of the administrative fund.

(4) This section shall not affect any other liability of the employer under this act.

Sec. 153. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 3, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in [extrahazardous] employment *under this title* and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers [engaged in extrahazardous industry,] *under this title* and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers [who are substantial contributors to the industrial insurance and accident fund]. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. [Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the

governor may appoint two additional pro tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro tem member shall be a representative of labor and one shall be a representative of industry.] Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 154. Section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030 are each amended to read as follows:

The board may incur such expenses as are reasonably necessary to carry out its duties hereunder, which expenses shall be paid [, one-half] from the [accident] *administrative* fund [and one-half from the medical aid fund upon vouchers approved by the board].

Sec. 155. Section 51.52.050, chapter 23, Laws of 1961 and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the workman, beneficiary, employer, [or] *carrier*, other person or party affected thereby, with a copy thereof by mail, which shall be addressed to such person at his last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of [the] *any* award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award must be appealed to the board, Olympia, within sixty days, or the same shall become final.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the workman, beneficiary, employer, [or] *carrier*, other person, or party aggrieved thereby may appeal to the board, and if there is an election under section 161 of this 1971 amendatory act to proceed with the appeal before the board, the proceedings shall be as prescribed in the *administrative procedure act, chapter 34.04 RCW, except insofar as that chapter may be inconsistent with this section and RCW 51.52.060 through 51.52.106*; and any [such person] party [aggrieved by] may appeal from the final decision and order of the board [may thereafter appeal] to the [superior court, as prescribed in this chapter] *court of appeals or the supreme court as in other civil cases.*

Sec. 156. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1963 and RCW 51.52.060 are each amended to read as follows:

Any workman, beneficiary, employer, [or] *carrier*, other person or party aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the workman [or the], employer, *carrier*, other person, or party aggrieved may file with the board a cross-appeal from the order of the department from which the original appeal was taken: [PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND] PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: PROVIDED, FURTHER, That the department, either within the time limited for appeal or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

Sec. 157. 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] *carrier*, other person or party relies in support thereof. The workman, beneficiary, employer, [or] *carrier*, other person, or party 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] *all its records* in such matter to the board.

Sec. 158. Section 51.52.080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51.52.080 are each amended to read as follows:

If the notice of appeal raises no issue or issues of fact and the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal [and order a hearing to decide the issues raised].

Sec. 159. Section 51.52.090, chapter 23, Laws of 1961 and RCW 51.52.090 are each amended to read as follows:

If the appeal is not [granted] *denied* within thirty days after the notice is filed with the board, the appeal shall be deemed to have been [denied] *granted*: PROVIDED, That the board may extend the time within which it may act upon such appeal, not exceeding thirty days.

Sec. 160. Section 51.52.095, chapter 23, Laws of 1961 as last amended by section 3, chapter 148, Laws of 1963 and RCW 51.52.095 are each amended to read as follows:

The board [, upon request of the workman, beneficiary, or employer, or upon its own motion, may] *shall* direct all parties interested in an appeal, together with their [attorneys] *representatives*, if any, to appear before it, a member of the board, or an authorized hearing examiner, for a conference for the purpose of determining the feasibility of settlement [, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the board member or hearing examiner conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or hearing examiner conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice]. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, [or by the employer and workman or beneficiary,] the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

**NEW SECTION.** Sec. 161. There is added to chapter 23, Laws of 1961 and to chapter 51.52 RCW a new section to read as follows:

If no agreement for settlement of the appeal is reached at the conference provided for by RCW 51.52.095, the workman or beneficiary, if he is a party to the appeal, or, if not, the appealing party, shall make an election whether to proceed with the appeal before the board pursuant to the provisions of this chapter, or, in the alternative, to proceed before the superior court by filing an appeal to the superior court of the county of residence of the workman or beneficiary, the superior court of the county wherein the injury occurred, or the superior court of Thurston county. Such election shall govern the jurisdictional forum and venue for the further adjudication of the appeal and cross-appeal: PROVIDED, That where the workman or beneficiary fails to appear in person or by representative at the conference at the time and place designated after due notice thereof, the jurisdictional forum and venue for all such appeals shall be governed by the election of the appealing party present, or by agreement of the appealing parties present, and if no agreement is reached in the latter case, or if no appealing party is present in person or by representative at the designated time and place after due notice thereof, all further proceedings in such appeals shall be held before and adjudicated by the board in accordance with the provisions of this chapter.

Where a workman or beneficiary is not represented by counsel at the conference, it shall be the duty of the hearing examiner to fully explain to him on the record his right of election as well as the law and procedure applicable thereto. The proceedings and results of the conference shall be duly placed upon the record.

An election made under the provisions of this section shall be final and conclusive. Where an election is made to proceed before the superior court, the board shall thereupon issue an order to that effect and shall immediately and simultaneously transmit the same to all the parties to the appeal. Any party whose appeal is governed by such election must perfect the same by filing a notice of appeal with the clerk of the appropriate superior court within thirty days after the date the board's order concerning the governing election has been communicated to such party. A copy thereof shall be served by mail, or personally, on the other parties and on the board, whereupon the board shall transmit its record to the clerk of the appropriate superior court. The other parties shall, within twenty days after the receipt of such notice of appeal, serve and file their notices of appearance and such appeal shall thereupon be deemed at issue and thereafter litigated and adjudicated by the court in the same manner as provided for a trial in civil cases. Any party shall be entitled to a trial by jury upon demand, and the jury verdict shall have the same force and effect as in actions at law. Appeal shall lie from the judgment of the superior court as in other civil cases: PROVIDED, That where neither an appeal or cross-appeal is perfected to the superior court as prescribed herein, then all such appeals shall be held before and adjudicated by the board in accordance with the provisions of this chapter.

Sec. 162. Section 51.52.100, chapter 23, Laws of 1961 as amended by section 4, chapter 148, Laws of 1963 and RCW 51.52.100 are each amended to read as follows:

Hearings [shall be held in the county of the residence of the workman or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board] may be conducted by one or more of [its] *the board members*, or a duly authorized hearing examiner, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized hearing examiners, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized hearing examiner may certify the facts to the superior court having jurisdiction in the place in which said board or member or hearing examiner is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Sec. 163. Section 51.52.102, chapter 23, Laws of 1961 as amended by section 5, chapter 148, Laws of 1963 and RCW 51.52.102 are each amended to read as follows:

At the time and place fixed for hearing each party shall present all his evidence with respect to the issues raised in the notice of appeal, and if any party fails so to do, the board may determine the issues upon such evidence as may be presented to it at said hearing, or if an appealing party who has the burden of going forward with the evidence fails to present any evidence, the board may dismiss the appeal: PROVIDED, That for good cause shown in the record to prevent hardship, the board may grant continuances upon application of any party, but such continuances, when granted, shall be to a time and place certain within the county where the initial hearing was held unless it shall appear that a continuance elsewhere is required in justice to interested parties: AND PROVIDED FURTHER, That the board may continue hearings *or order additional hearings* on its own motion, *either before or after the entry of a proposed decision and order under RCW 51.52.104*, to secure in an impartial manner such evidence, in addition to that presented by the parties, as the board, in its opinion, deems necessary to decide the appeal fairly and equitably, but such additional evidence shall be received subject to any objection as to its admissibility, and, if admitted in evidence all parties shall be given full opportunity for cross-examination and to present rebuttal evidence.

*NEW SECTION.* Sec. 164. There is added to chapter 23, Laws of 1961 and to chapter 51.52 RCW a new section to read as follows:

The attorney general shall be the legal advisor to the board and the department. Upon request of the board or the department, the attorney general shall institute or prosecute actions or proceedings for the enforcement of provisions of this title, and shall defend in like manner all suits, actions, and proceedings brought against the board, any member thereof, the director, or the department, in an official capacity.

*NEW SECTION.* Sec. 165. There is added to chapter 23, Laws of 1961 and to chapter 51.52 RCW a new section to read as follows:

Where this title does not provide a procedure for administrative or judicial review of actions and orders of the board or director, the provisions of chapter 34.04 RCW shall apply.

Sec. 166. 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 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any workman or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such workman or beneficiary, prior to the notice of appeal to the board if written application therefor is made by the attorney, workman or beneficiary.

(2) If, on appeal to the board, the order, decision or award of the department is reversed or modified and additional relief is granted to a workman or beneficiary, or in cases



where a party other than the workman or beneficiary is the appealing party and the workman's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his attorney in proceedings before the board if written application therefor is made by the attorney, workman or beneficiary. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, *workman or beneficiary*. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board. Any person who violates any provision of this section shall be guilty of a misdemeanor.

Sec. 167. Section 51.52.130, chapter 23, Laws of 1961 and RCW 51.52.130 are each amended to read as follows:

If, on appeal *directly* to the court of appeals or the supreme court from the final decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a workman or beneficiary, or in cases where a party other than the workman or beneficiary is the appealing party and the workman's or beneficiary's right to relief is sustained by the court, a reasonable fee for the services of the workman's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If the decision and order of the board is reversed or modified and if [the accident fund is affected by the litigation] *the court orders further income benefits be paid* then the attorney's fee fixed by the court for services before the court only, and the fees of medical and other witnesses and the costs shall be payable [out of the administrative fund of] by the department.

**NEW SECTION.** Sec. 168. There is added to chapter 23, Laws of 1961 and to chapter 51.52 RCW a new section to read as follows:

Nothing in the laws of this state shall be deemed to prohibit the representation of parties by lay representatives at any conferences, hearings, or proceedings before the board or its hearing examiners.

**NEW SECTION.** Sec. 169. There is added to chapter 23, Laws of 1961 and to chapter 51.52 RCW a new section to read as follows:

No bond shall be required on appeals to the board or to the courts under this title. The taking of an appeal by the employer or carrier shall operate as a supersedeas as to the payment of compensation under an award. If, after summary hearing, the board or court finds that failure to make payments may jeopardize the health or physical well being of the workman or his beneficiaries, the board or court in its discretion may order payment in whole or in part. Such payment shall be subject to restitution if the final decision is adverse to the workman or beneficiary.

Sec. 170. Section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 71, Laws of 1967 ex. sess. and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to [the board of industrial insurance appeals or] the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

**NEW SECTION.** Sec. 171. There is added to chapter 23, Laws of 1961 and to chapter 51.98 RCW a new section to read as follows:

Nothing in this act shall prevent the exercise of the following functions at any time prior to January 1, 1973:

- (1) Promulgation of rules and regulations authorized by this 1971 amendatory act.
- (2) Appointment and employment of personnel to carry out this 1971 amendatory act.
- (3) Qualification and certification of subject employers under section 78 of this 1971 amendatory act.
- (4) Qualification of insurers to write workmen's compensation insurance under section 83 of this 1971 amendatory act.
- (5) Computation of assessments, if any, to be imposed under section 130 of this 1971 amendatory act payable on or after January 1, 1973, and based upon estimated expenses of the administrative fund and estimated assessments therefor.
- (6) Inspection of the state fund's accident experience records by a bona fide rating organization pursuant to section 67 of this 1971 amendatory act.
- (7) Permitting the manager and the director to do any and all things necessary for the transfer of funds, functions, and personnel required by this 1971 amendatory act.

**NEW SECTION.** Sec. 172. There is added to chapter 23, Laws of 1961 and to chapter 51.98 RCW a new section to read as follows:

If any provision of this 1971 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: PROVIDED, That nothing in this section shall affect or invalidate any of the provisions of RCW 51.04.090.

Sec. 173. Section 28B.20.458, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.458 are each amended to read as follows:

The University of Washington may accept and administer loans, grants, funds, or gifts, conditional or otherwise, in furtherance of the objects and purposes of RCW 28B.20.450 through 28B.20.458, from the federal government and from other sources public or private. For the purpose of securing payment from the [accident fund and medical aid] administrative fund as funds are required, vouchers shall be presented to the [department] director of labor and industries.

Sec. 174. Section 13, chapter 223, Laws of 1953 and RCW 38.52.290 are each amended to read as follows:

Insofar as not inconsistent with the provisions of this chapter, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the workmen's compensation act, [RCW 51.32.005 through 51.32.170] chapter 51.32 RCW as amended by this 1971 amendatory act and any amendments thereto. "Employee" as used in said title shall include a civil defense worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of chapter 51.32 and at the maximum rate provided therein, subject, however, to the limitations set forth in this chapter.

Sec. 175. Section 17, chapter 223, Laws of 1953 and RCW 38.52.330 are each amended to read as follows:

The department of civil defense is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as civil defense workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board: PROVIDED, That nothing herein shall be construed to mean that the department of civil defense or the state civil defense council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any civil defense worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in [RCW 51.52.050 to 51.52.110] sections 155 through 165 of this 1971 amendatory act.

Sec. 176. Section 43.22.030, chapter 8, Laws of 1965 and RCW 43.22.030 are each amended to read as follows:

The director of labor and industries, through the division of industrial insurance, shall:

(1) exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state[;]

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state[.]

Sec. 177. Section 14, chapter 207, Laws of 1953 and RCW 75.08.206 are each amended to read as follows:

The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in [RCW 51.32.005 to 51.32.170] chapter 51.32 RCW as amended by this 1971 amendatory act, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in [RCW 51.36.010 and 51.36.020] sections 113 and 114 of this 1971 amendatory act.

**NEW SECTION.** Sec. 178. This 1971 amendatory act shall take effect on January 1, 1973: PROVIDED, HOWEVER, That the provisions of sections 98 through 104, 133, 134, 174, and 177 of this 1971 amendatory act shall take effect on July 1, 1971, and the provisions of sections 155 through 170 and section 175 of this 1971 amendatory act shall take effect on October 1, 1971. Sections 155 through 170 of this 1971 amendatory act shall govern all board and court proceedings on all appeals granted by the board on and after October 1, 1971. All appeals as provided for in chapter 51.52 RCW granted and pending before the board or the courts prior to and on September 30, 1971, shall be governed by the law in effect at the time the appeal was granted by the board.

**NEW SECTION.** Sec. 179. Section 102 of this 1971 amendatory act shall be applicable to all injuries and diseases sustained on and after July 1, 1971.

**NEW SECTION.** Sec. 180. Section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110; section 51.52.115, chapter 23, Laws of 1961 and RCW 51.52.115; section 51.52.140, chapter 23, Laws of 1961 and RCW 51.52.140 are each hereby repealed effective October 1, 1971: PROVIDED, HOWEVER, That such repeals shall not affect any board or court proceedings arising out of appeals granted by the board prior to and on

September 30, 1971, and all such board or court proceedings shall be governed by the law in effect at the time the appeal was granted by the board.

**NEW SECTION.** Sec. 181. Section 51.08.015, chapter 23, Laws of 1961 and RCW 51.08.015; section 51.08.080, chapter 23, Laws of 1961 and RCW 51.08.080; section 51.08.090, chapter 23, Laws of 1961 and RCW 51.08.090; section 51.08.120, chapter 23, Laws of 1961 and RCW 51.08.120; section 51.08.130, chapter 23, Laws of 1961 and RCW 51.08.130; section 51.08.170, chapter 23, Laws of 1961 and RCW 51.08.170; section 51.08.190, chapter 23, Laws of 1961 and RCW 51.08.190; section 51.12.030, chapter 23, Laws of 1961 and RCW 51.12.030; section 51.12.040, chapter 23, Laws of 1961 and RCW 51.12.040; section 51.12.100, chapter 23, Laws of 1961 and RCW 51.12.100; section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010; section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020; section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030; section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080; section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110; section 51.16.120, chapter 23, Laws of 1961 and RCW 51.16.120; section 51.16.130, chapter 23, Laws of 1961 and RCW 51.16.130; section 51.20.005, chapter 23, Laws of 1961 and RCW 51.20.005; section 51.20.010, chapter 23, Laws of 1961 and RCW 51.20.010; section 51.20.020, chapter 23, Laws of 1961 and RCW 51.20.020; section 51.20.050, chapter 23, Laws of 1961 and RCW 51.20.050; section 51.20.060, chapter 23, Laws of 1961 and RCW 51.20.060; section 51.20.070, chapter 23, Laws of 1961 and RCW 51.20.070; section 51.20.080, chapter 23, Laws of 1961 and RCW 51.20.080; section 51.20.090, chapter 23, Laws of 1961 and RCW 51.20.090; section 51.20.100, chapter 23, Laws of 1961 and RCW 51.20.100; section 51.20.110, chapter 23, Laws of 1961 and RCW 51.20.110; section 51.20.130, chapter 23, Laws of 1961 and RCW 51.20.130; section 51.20.140, chapter 23, Laws of 1961 and RCW 51.20.140; section 51.20.150, chapter 23, Laws of 1961 and RCW 51.20.150; section 51.20.160, chapter 23, Laws of 1961 and RCW 51.20.160; section 51.20.170, chapter 23, Laws of 1961 and RCW 51.20.170; section 51.20.180, chapter 23, Laws of 1961 and RCW 51.20.180; section 51.20.210, chapter 23, Laws of 1961 and RCW 51.20.210; section 51.20.220, chapter 23, Laws of 1961 and RCW 51.20.220; section 51.20.240, chapter 23, Laws of 1961 and RCW 51.20.240; section 51.20.290, chapter 23, Laws of 1961 and RCW 51.20.290; section 51.20.290, chapter 23, Laws of 1961 and RCW 51.20.290; section 51.20.310, chapter 23, Laws of 1961 and RCW 51.20.310; section 51.20.330, chapter 23, Laws of 1961 and RCW 51.20.330; section 51.20.340, chapter 23, Laws of 1961 and RCW 51.20.340; section 51.20.350, chapter 23, Laws of 1961 and RCW 51.20.350; section 51.20.370, chapter 23, Laws of 1961 and RCW 51.20.370; section 51.20.380, chapter 23, Laws of 1961 and RCW 51.20.380; section 51.20.390, chapter 23, Laws of 1961 and RCW 51.20.390; section 51.20.400, chapter 23, Laws of 1961 and RCW 51.20.400; section 51.20.410, chapter 23, Laws of 1961 and RCW 51.20.410; section 51.20.420, chapter 23, Laws of 1961 and RCW 51.20.420; section 51.20.430, chapter 23, Laws of 1961 and RCW 51.20.430; section 51.20.440, chapter 23, Laws of 1961 and RCW 51.20.440; section 51.20.450, chapter 23, Laws of 1961 and RCW 51.20.450; section 51.20.460, chapter 23, Laws of 1961 and RCW 51.20.460; section 51.20.470, chapter 23, Laws of 1961 and RCW 51.20.470; section 51.20.480, chapter 23, Laws of 1961 and RCW 51.20.480; section 51.20.490, chapter 23, Laws of 1961 and RCW 51.20.490; section 51.20.500, chapter 23, Laws of 1961 and RCW 51.20.500; section 51.20.600, chapter 23, Laws of 1961 and RCW 51.20.600; section 51.32.030, chapter 23, Laws of 1961 and RCW 51.40.010; section 51.40.010, chapter 23, Laws of 1961 and RCW 51.40.010; section 51.40.020, chapter 23, Laws of 1961, section 1, chapter 36, Laws of 1965, section 2, chapter 80, Laws of 1965 ex. sess. and RCW 51.40.020; section 51.40.030, chapter 23, Laws of 1961 and RCW 51.40.030; section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040; section 51.40.050, chapter 23, Laws of 1961 and RCW 51.40.050; section 51.40.060, chapter 23, Laws of 1961 and RCW 51.40.060; section 51.40.070, chapter 23, Laws of 1961 and RCW 51.40.070; section 51.44.010, chapter 23, Laws of 1961 and RCW 51.44.010; section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020; section 51.44.040, chapter 23, Laws of 1961 and RCW 51.44.040; section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; section 51.44.060, chapter 23, Laws of 1961 and RCW 51.44.060; section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; section 51.52.150, chapter 23, Laws of 1961 and RCW 51.52.150 are each hereby repealed effective January 1, 1973: PROVIDED, HOWEVER, That such repeals shall not have the effect of terminating or modifying any existing substantive rights or liabilities acquired under the provisions of the statutes repealed.

Debate ensued.

Senators Keefe, Greive and Bailey demanded the previous question and the demand was sustained.

Senator McDougall demanded a roll call and the demand was sustained by Senators Metcalf, Greive, Sandison, Elicker, Clarke, Atwood, Durkan, Odgaard, Murray and Clarke.

The President declared the question before the Senate to be the adoption of the amendment by Senators McDougall and Lewis.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; nays, 30; excused, 2.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess Holman, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel. Woodall—17.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Wilson—30.

Excused: Senators Foley, Huntley—2.

#### MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.  
At 1:10 p.m., on motion of Senator Greive, the Senate recessed until 2:15 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

#### MOTIONS

On motion of Senator Gissberg there being no objection Engrossed House Bill No. 396 was referred to the Judiciary Committee from the Committee on Education.

On motion of Senator Sandison, House Bill No. 218 was referred to the Judiciary Committee.

#### SECOND READING

SENATE BILL NO. 686, by Senators Greive, Stortini, Stender, Bailey, Ridder, Peterson (Lowell), Dore, Odegard, Jolly, Mardesich, Peterson (Ted), Gissberg, Durkan, Francis, Fleming, Herr, Connor, Washington, Walgren and McCutcheon:

Making various changes in the industrial insurance law of this state.

The Senate resumed consideration of Senate Bill No. 686 on second reading.

Senator McDougall moved adoption of the following amendment:

On page 22, section 17, line 17, insert as section 17:

“NEW SECTION, Sec. 17. There is added to chapter 23, Laws of 1961 and to chapter 51.04 RCW a new section to read as follows:

“The governor shall appoint a workmen’s compensation advisory committee composed of nine members: Three representing subject workmen, three representing subject employers, one of whom shall represent agriculture, and three from the public at large. This committee shall conduct a continuous study of all aspects of workmen’s compensation and shall biennially report its recommendations, including suggested legislation, to the legislature on or before the first day of the legislative session. The term of each committee member shall be three years commencing on the effective date of this act: PROVIDED, HOWEVER, That the governor shall designate one member from each group initially appointed whose term shall expire on June 30, 1972, and one member from each group whose term shall expire on June 30, 1973. A member may be reappointed. The committee members shall serve without compensation but shall be entitled to travel expenses. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board as it shall need without charge. All expenses of this committee shall be paid out of the administrative fund.”

Re-number section 17 of the bill as section 18.

Re-number section 18 of the bill as section 19.

Debate ensued.

The motion lost on a rising vote and the amendment was not adopted.

On motion of Senator Greive, the following amendment to the title by Senators Greive, Durkan, Bailey, Stortini and Dore was adopted:

In line 24 of the title after the semicolon and before “repealing” insert “adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW; adding new sections to chapter 23, Laws of 1961 and to chapter 51.44 RCW;”

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 686 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. 686, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—29.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Lewis, McDougall, Matson, Metcalf, Newschwander, Scott, Stender, Twigg, Whetzel, Woodall—17.

Absent or not voting: Senator Murray—1.

Excused: Senators Foley, Huntley—2.

ENGROSSED SENATE BILL NO. 686, having received the 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 fifth order of business.

## INTRODUCTION AND FIRST READING

HOUSE BILL NO. 739, by Representatives Lynch, King and Kiskaddon:

Providing for negotiations by Community College boards of trustees and their academic employees.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 743, by Representatives Bottiger and Wolf:

Exempting executive assistants for personnel administration and labor relations from the provisions of the state civil service law.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 768, by Committee on Social and Health Services.

Providing for adoption of hard to place children.

Referred to Committee on Public Institutions.

HOUSE BILL NO. 773, by Representatives Schumaker, Benitz, Hurley and Gladder:

Protecting deer and elk during certain periods of year.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 800, by Representatives Sawyer and Charette:

Providing for conversion of cooperative associations into corporations and for mergers between co-ops and corporations.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 816, by Representatives Harris, Charette, Conner, Chatalas, Mentor, Hubbard, Gladder, Zimmerman and Knowles:

Providing for insurance and health care programs for state employees and officials.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 832, by Representatives Johnson, Goldsworthy and Zimmerman:

Making an appropriation for water pollution control facilities.

## MOTIONS

On motion of Senator Day, the rules were suspended, House Bill No. 832 was advanced to second reading and read the second time in full.

On motion of Senator Day, House Bill No. 832 was ordered placed on the second reading calendar for Thursday, April 1, 1971.

ENGROSSED HOUSE BILL NO. 853, by Representatives Bledsoe, Morrison, North and Ross:

Repealing prohibition on sale of contraceptives.

Referred to Judiciary Committee.

HOUSE BILL NO. 860, by Representatives Lynch and Hatfield:

Exempting hops in transit from property taxes.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 915, by Committee on Social and Health Services:

Authorizing special programs to provide social and health services for welfare recipients.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 984, by Representatives Lynch, King and Kiskaddon:

Providing for study by joint interim committee on higher education.

Referred to Committee on Higher Education and Libraries.

#### MOTION

On motion of Senator Atwood, Senator Stender was excused.

Senator Henry moved adoption of the following resolution by Senators Henry and Woodall:

#### SENATE RESOLUTION: 1971-EX-44

By Senators Henry and Woodall:

Whereas, Freedom of the press has always been the cornerstone upon which this great Democracy was founded; and

WHEREAS, Freedom of the press depends upon the integrity of the men and women who choose journalism as their profession; and

WHEREAS, The area of governmental operations and the methods by which it is reported to the people through the eyes of said men and women journalists is the most sensitive of all areas; and

WHEREAS, In recent years the press has rightly demanded more and better responsibility from their elected officials in the area of campaign disclosures, personal income and conflict of interest; and

WHEREAS, By setting this high plane of achievement, the press and media must equal or excel such standards; and

WHEREAS, Political journalists should remain free of any possible conflict of interest as to partnership between parties; and

WHEREAS, Such conflict of interests could easily arise where members of the press and/or media enter into proprietary partnership with elected officials which might affect such journalistic credibility with the legislature and the public, and could conceivably give undue advantage to such elected official;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that political writers who have a proprietary interest or partnership with elected public officials should fully disclose such interest to the Executive Committee of the Capitol Press Corps, in addition to the Secretary of the Senate, and refrain from covering incidents in which the proprietary interest or the said public official is subject to the journalist's professional opinion.

Debate ensued.

#### POINT OF INQUIRY

Senator Murray: "Mr. President and members of the Senate, I was off the floor when Senator Henry addressed this question. I understand he made the statement that it was

specifically not aimed at me but wearing two hats makes it a little bit of a problem. I would like to point out that this does create some problems for the press in general. Senator Wilson has pointed out the specific problems. Number one, its constitutionality and number two, its effect. But I think that this, because of the very complexity of the situation, we should not adopt to date. I might point out that those measures having to do with the disclosure that we now have required by Senators, by elected public officials, was something that was debated long and hard from a great deal of time and we still are debating the issue, deciding whether we should expand it or contract it. I think that this is not something that should be brought up as a floor resolution suddenly presented to the body and ask us to pass on.

"Just as my immediate interpretation of the resolution as it is currently before us would put me in a very questionable position, put one of my papers possibly if not out of business at least would have a major effect upon the results and the normal action that we have in that paper and I am referring to the Argus. I think that this has so many questions about it at the present time that we should not pass this resolution without a thorough investigation of the effect it would have. I would urge you to vote against it."

Senator Henry: "Senator Murray, my reference to you, as everybody on this floor can tell you, I always keep my word and you asked me a question yesterday and I said that I would see that it got in the record that this does not refer to weekly papers or any other reporting of any papers that you are interested in. It only refers to those political writers and political reporters and others that are completely here at the sufferance, I suppose you would say in the absence of a better word, of the Senate of the Capitol Press Corps. When you were off the floor I endeavored to get into the record the statement that I made to you yesterday so that you would feel that you were protected. I am not going to belabor this point. I think that it is not a law as Senator Woodall has pointed out but I do think that everybody should have a chance to know where the other guy stands. Believe me, if I was not a gentle soul and always at a loss for words, I can think of a lot of things I would get in the record here today."

#### MOTIONS

Senator Newschwander moved that Senate Resolution No. 1971-EX-44 be indefinitely postponed.

Debate ensued.

The motion by Senator Newschwander failed.

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

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Whetzel moved that the Senate do now reconsider the vote by which Senate Bill No. 176 passed the Senate.

The motion for reconsideration carried.

#### MOTIONS

On motion of Senator Whetzel, the rules were suspended and Senate Bill No. 176 was returned to second reading.

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

On page 2, section 1, line 4, after officer" insert "of a second, third, fourth class, or noncharter optional code city"

On page 2, line 7, after "year:" insert "PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer of a county or a city of the first class or optional code charter city is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability shall not exceed two hundred dollars in any calendar month."

On motion of Senator Whetzel, the rules were suspended, Engrossed Senate Bill No. 176 was advanced to third reading, the second reading considered the third.

#### MOTIONS

On motion of Senator Talley, Engrossed Senate Bill No. 176 was ordered held on the third reading calendar for Thursday, April 1, 1971.

On motion of Senator McDougall, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Monday, April 5, 1971.

On motion of Senator Greive, Senators Andersen and Greive were excused.

## SECOND READING

SENATE BILL NO. 564, by Senators Holman, Francis and Dore:  
Amending the business corporation act.

## REPORT OF STANDING COMMITTEE

February 27, 1971.

SENATE BILL NO. 564, amending the business corporation act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 5 following section 5 insert a new section as follows:

"Sec. 6. Section 2, chapter 83, Laws of 1969, 1st ex. session and RCW 23A.08.480 are each amended to read as follows:

"Every corporation hereafter organized under this title, shall within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall [within thirty days after its annual meeting] at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(1) The name of the corporation and the state or county under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The secretary of state shall file such annual report in his office for the fee of one dollar. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary."

On page 1, line 6 of the title, after "RCW 23A.20.050;" and before "and" insert "amending section 2, chapter 83, Laws of 1969, 1st ex. session and RCW 23A.08.480;"

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 564 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. 564, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Connor, Fleming, Twigg—3.

Excused: Senators Andersen, Foley, Greive, Huntley, Stender—5.



ENGROSSED SENATE BILL NO. 564, having received the 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. 401, by Senators Henry, Washington, Talley and Peterson (Ted): Allowing larger vehicles to use public highways.

MOTION

On motion of Senator Henry, Substitute Senate Bill No. 401 was substituted for Senate Bill No. 401 and the substitute bill was placed on second reading and read the second time in full.

Senator Lewis moved adoption of the following amendments:

On page 3, section 3, line 33, after "trip" insert "excepting mobile homes transported from place of manufacture and to the first consumer"

After line 33 insert: "All over legal loads of mobile homes transported from the place of manufacture and to the first consumer . . . . . \$3.00"

Debate ensued.

POINT OF INQUIRY

Senator Lewis: "Mr. President, Senator Henry. Did you say they were just for mobile homes, Senator?"

Senator Henry: "Logging trucks and so forth but primarily for mobile homes."

The motion by Senator Lewis failed and the amendment was not adopted on a rising vote.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 401, and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Francis, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Twigg, Washington, Wilson, Woodall—29.

Voting nay: Senators Andersen, Elicker, Gardner, Gissberg, Guess, Holman, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Stortini, Walgren, Whetzel—15.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senators Foley, Huntley, Stender—3.

SUBSTITUTE SENATE BILL NO. 401, having received the 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. 164, by Senator Bailey: Providing for the undergrounding of utility wiring.

REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 164, providing for the undergrounding of utility wiring (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 2, subsection (6), after the period on line 28, add a new paragraph to read as follows: "All contracts with electric and communication utilities, as herein provided, shall contain the limitations set forth in RCW 36.77.060 and RCW 36.88.320."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg.

The bill was read the second time by sections.

On motion of Senator Bailey, the committee amendment was not adopted.

On motion of Senator Guess, the following amendment was adopted:

On page 3, beginning on line 21, insert as section 4 the following:

"NEW SECTION. Sec. 4. All installations of underground utilities made hereafter shall be recorded on an "as constructed" map and filed with the county engineer of the county in which the underground utilities are installed."

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 164 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. 164, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-41.

Absent or not voting: Senators Day, Keefe, McCutcheon, Peterson (Ted), Sandison-5.

Excused: Senators Foley, Huntley, Stender-3.

ENGROSSED SENATE BILL NO. 164, having received the 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. 269, by Senators Donohue, Woodall and Durkan:

Pertaining to fire district levies.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 269 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 Canfield: "Will Senator Donohue yield? What relation does this have to the forty mill limit?"

Senator Donohue: "It has no relation, Senator. A fire district now normally takes two mills. Then it is possible that if the other taxing districts are not using the two extra mills they can use this. Now this millage vote that we are talking about would be in the area of the nineteen mills that are available."

Senator Canfield: "In other words, if your millage total is over forty mills could you still do this?"

Senator Donohue: "I do not think so, Senator."

Senator Canfield: "I would like to be assured of that because it looks to me like this would be unconstitutional if you are over the forty mill limit. If it is within the forty mills it would be all right."

Senator Donohue: "To my knowledge, Senator, it is within the forty mills."

#### POINT OF INQUIRY

Senator Canfield: "Mr. President, would Senator Bailey answer my question if you will permit him to do so?"

Senator Bailey: "Senator Canfield, this is not in excess of the forty mills but it is in excess of the twenty-two mills that we have established, twenty mills say at fifty percent and you are talking now about the forty mills at twenty-five percent, but it is in excess of that so until we get up to forty mills at fifty percent, we are not in violation of the Constitution."

"So what this says in effect is that where we have twenty-two mills right now they could conceivably pass the extra mill in there and put it on the fire district and make twenty-three mills that would be levied in the county and we are not exceeding the Constitution but one thing we are doing is making it possible for fifteen percent of those people who are against it to come in and petition and then have it placed on the next election ballot. If we followed it to a logical conclusion eventually it would be forty mills at fifty percent which I hope we do not ever do but this is within the Constitution."

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Donohue yield to another question? Senator, where would the forty-sixty requirement fit in to this? Forty validation, sixty percent majority?"

Senator Donohue: "A simple majority vote."

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Donohue yield? Senator Gissberg has a bill in the Committee on Rules and Joint Rules which deals with excess levies to be voted by fire districts for capital purposes and there is some doubt whether they can do that now. Would you have any objection to holding this bill over until tomorrow so that we can see about putting three lines on the bill that would do the same job in one bill instead of two different bills?"

Senator Donohue: "No Senator, that is fine with me."

President Pro Tempore Henry assumed the Chair.

#### MOTION

On motion of Senator Bailey, Senate Bill No. 269 was ordered placed on the third reading calendar for Thursday, April 1, 1971.

SENATE BILL NO. 308, by Senators Knoblauch, Stortini and Peterson (Ted):  
Providing veterans with public employment preferences.

#### REPORT OF STANDING COMMITTEE

March 9, 1971.

SENATE BILL NO. 308, providing veterans with public employment preferences (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 9, after "rating" and before the colon insert the following:

"(1) For purple heart veterans and those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability disabling to an ascertainable degree as determined by the Veterans Administration or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans Administration, the War Department or the Navy Department;

(2) For the wives of such service-connected disabled ex-servicemen who have themselves because of such service connected disability been unable to qualify for any civil service appointment;

(3) For the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition and for which a campaign badge has been authorized;

(4) For mothers of deceased ex-servicemen or ex-service women who lost their lives under honorable conditions while on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition for which a campaign badge has been authorized; and

(5) Five percent to his final earned test rating for all other veterans."

On page 2, section 1, line 17 add a new paragraph to read as follows:

"The provisions of this section shall not apply to any veteran who used the veteran's preference provided for herein to gain employment in public service and who, after becoming employed in the public service subsequently is separated for cause."

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Henry, Jolly, Lewis, Mardesich, Murray, Whetzel.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendments.

Debate ensued.

## POINT OF INQUIRY

Senator Woodall: "Will Senator Wilson yield? Is there any length of time that one of these widows has to have been married to a veteran? Now in our judges' retirement we put in a period of time. I am thinking of a situation where a very young girl may have married a very old veteran for a very short period of time and I am wondering whether or not she should have this lifelong preference. Should she not have been married for at least some minimal period of time in order to enjoy these preferential rights?"

Senator Wilson: "In reply to your question, Senator Woodall, there is no such time limit in the proposed amendment which refers to 'for the unmarried widows of deceased ex-servicemen', etc."

Senator Woodall: "So as written, a young gal, if she caught the old boy in his dotage, was married for a short period she would then have this particular benefit."

Senator Wilson: "Of course this deceased ex-serviceman we are speaking about would have had to have lost his life during a war or any campaign or expedition for which a campaign badge had been authorized. In other words it pertains to veterans who were killed during their course of service."

Senator Woodall: "I see. The preference does not apply to natural death later on?"

Senator Wilson: "That is correct."

## POINT OF INQUIRY

Senator Wilson: "Would Senator Woodall yield? Senator, I think I answered the last question improperly. The phrase is 'for the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition and for which a campaign badge had been authorized.' Upon a more careful re-reading, I am inclined to agree with you even though it opens up again this very delicate and emotional subject."

Senator Woodall: "Would you have any objection to holding this and working out an amendment that provided for some minimal period that she must have been married to this particular man?"

Senator Wilson: "I would have no objection whatsoever."

## MOTION

On motion of Senator Woodall, Engrossed Senate Bill No. 308 and the pending committee amendments was ordered placed on the second reading calendar for Thursday, April 1, 1971.

SENATE BILL NO. 450, by Senators Guess, Keefe and Henry:

Providing penalties for violation of the conditions of an additional gross load special permit.

## REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 450, providing penalties for violation of the conditions of an additional gross load special permit (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 8, after "canceled" and before the period insert "*and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of highways, and for the purposes of this section bail forfeiture shall be considered as a conviction*"

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Foley, Guess, Herr, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stender, Talley.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was adopted.

Senator Lewis moved adoption of the following amendment:

On page 2, section 1, line 6, after "*conviction*" insert "*within a calendar year*"

## POINT OF INQUIRY

Senator Whetzel: "Senator Lewis, would you yield to a question? Senator, what about the situation of two convictions in December and the third one in January of the next year? You would be exempting that person out from losing the permit if I understand your amendment."

Senator Lewis: "I do not think we can be perfect, Senator Whetzel."

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

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 450 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 Twigg, Senator Matson was excused.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Guess yield? Senator, it was pointed out here by Senator Washington some time ago the little matter of the beet hauler. At the present time the language is permissive as to having to take it away. You are now making it mandatory if there are three occasions when the total beet load on the farmer's truck exceeds the license. Instead of being 'it may be taken away' you are now mandating that it be taken away, are you not by this language?"

Senator Guess: "Yes we are, Senator."

Senator Woodall: "So that if the farmer in Senator Washington's area was overloaded three times, why then his license has to go in where at the present time it does not necessarily have to be taken."

Senator Guess: "Senator, I think if you will look at the stricken language in the bill it says that any state patrol officer who shall find any person operating a vehicle in violation of the permit issued may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund."

"You have a 'may' situation on both ends of this. The patrol 'may' take it up and they 'may' reissue it but now when he has made three violations it is sent in and then he can, and the procedure is available here where he can then get it back."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 450, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—43.

Voting nay: Senator Woodall—1.

Absent or not voting: Senators Gissberg, McCutcheon—2.

Excused: Senators Foley, Huntley, Stender—3.

ENGROSSED SENATE BILL NO. 450, having received the 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. 105, by Senators Durkan, Peterson (Ted) and Dore:  
Providing an automotive repair responsibility act.

#### MOTION

On motion of Senator Peterson (Ted), Substitute Senate Bill No. 105 was substituted for Senate Bill No. 105 and the substitute bill was placed on second reading and read the second time in full.

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

On page 6, section 18, line 16, after "performed" strike "by or"

On page 9, section 28, line 32, after "person" insert "or company"

On motion of Senator Peterson (Ted), the rules were suspended, Engrossed Substitute

Senate Bill No. 105 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. 105, and the bill failed to pass the Senate by the following vote: Yeas, 12; nays, 32; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Connor, Cooney, Durkan, Francis, Gardner, Greive, Herr, Mardesich, Peterson (Lowell), Peterson (Ted), Ridder—12.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Day, Donohue, Dore, Elicker, Fleming, Gissberg, Guess, Henry, Holman, Jolly, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—32.

Absent or not voting: Senators Keefe, McCutcheon—2.

Excused: Senators Foley, Huntley, Stender—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 105, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Dore served notice that he would, on the next working day move that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 105 failed to pass the Senate.

#### MOTION

At 4:05 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, April 1, 1971.

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

TWENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, April 1, 1971.

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 Foley. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Dan Weber, Color Bearer, and Debbie Kingsly presented the Colors. Reverend Charles A. Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Almighty God and Father who sees the end from the beginning, be with the legislators who of course cannot. Give them this day a true sense of the direction they should take, supply them with reliable facts, and enable them to enact legislation both responsible and creative. Minister to their personal needs even as they seek to serve the needs of our state. Be with us constituents, O Lord. If budgetary deficits ordain that we be subjected to yet another shearing, grant that we be spared a stubble of fleece to protect us from the cold economic weather of our times. Amen."

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

REPORTS OF STANDING COMMITTEES

March 30, 1971.

SENATE BILL NO. 24, mandating certain examination of instructional materials used in the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Newschwander, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 124, abolishing the state patrol highway account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Dore, Fleming, Greive, Guess, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 264, providing financial aid to certain students attending elementary and secondary schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Day, Dore, Fleming, Gissberg, Greive, Guess, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 265, providing that financial aid for part time students shall include those receiving ancillary services from school (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Day, Dore, Fleming, Gissberg, Greive, Guess, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 29, 1971.

SENATE BILL NO. 338, establishing a board on geographic names (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

March 23, 1971.

SENATE BILL NO. 372, establishing a state recreation and fire protection trail system (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: That Substitute Senate Bill No. 372 be substituted therefor and the substitute bill do pass.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Lewis, Mardesich, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 419, authorizing tuition supplement program for resident students attending private institutions of higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Canfield, Connor, Day, Dore, Fleming, Gissberg, Guess, Herr, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

SENATE BILL NO. 456, transferring certain statutory duties of the state auditor (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

SENATE BILL NO. 457, transferring certain statutory duties to the state auditor (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

SENATE BILL NO. 480, providing that pre-existing disability provisions in insurance contracts shall be void under certain circumstances (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Gardner, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 509, creating the Washington state apprenticeship council (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 559, implementing duties of legislative budget committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.



Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Fleming, Guess, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 617, providing for health care vision services by optometrists (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution): MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Francis, Greive, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 648, creating the legal services revolving fund in the state treasury (reported by Committee on Ways and Means): MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Fleming, Greive, Guess, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

SENATE BILL NO. 659, providing that governmental agencies may elect a tax deferred annuity plan for employees (reported by Committee on State Government):

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SENATE BILL NO. 668, creating a joint committee on banking, insurance and transportation (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 696, including chiropractors among insurance health services (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution): MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Francis, Greive, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

SENATE BILL NO. 817, providing for the licensing of game farmers (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

SENATE BILL NO. 861, pertaining to the authority to employ, appoint, discipline or discharge employees of the department of highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Guess, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Murray, Sandison, Stender, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

ENGROSSED HOUSE BILL NO. 40, removing mandatory directive to sell first class tide and shore lands and giving abutting owner preference to lease as well as buy (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Donohue, Matson, Metcalf, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

ENGROSSED HOUSE BILL NO. 113, prescribing powers of game protectors (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

HOUSE BILL NO. 171, defining "wildlife agent" (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Bailey, Donohue, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

March 30, 1971.

HOUSE BILL NO. 172, restoring tax statutes based on passage of HJR 42 to previous status (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Dore, Fleming, Guess, Herr, Jolly, Lewis, Metcalf, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

March 29, 1971.

ENGROSSED HOUSE BILL NO. 254, raising secretary of state fees for searches and copies of corporate filings (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

HOUSE BILL NO. 270, exempting agency vendors of liquor from civil service (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

March 26, 1971.

HOUSE BILL NO. 364, implementing law relating to candidates' and voters' pamphlets (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Holman, Matson, Metcalf, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 18, 1971.

HOUSE BILL NO. 397, authorizing highway district engineers to award small construction and maintenance contracts (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Donohue, Durkan, Jolly, Keefe, Knoblauch, Mardesich, Murray, Sandison, Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

ENGROSSED HOUSE BILL NO. 398, providing for a study of scenic recreational state highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Jolly, Keefe, Knoblauch, Mardesich, Peterson (Lowell), Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

ENGROSSED HOUSE BILL NO. 464, implementing law relating to acquisition of state lands by school districts or institutions of higher education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

SUBSTITUTE HOUSE BILL NO. 545, providing for management surveys by legislative budget committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

HOUSE JOINT MEMORIAL NO. 9, regarding unconventional automobile combustion systems (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Sandison, Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

PRESIDENT OF THE SENATE,  
THE HONORABLE JOHN CHERBERG,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bill has been passed out of the Senate Committee on Appropriations into the full Committee on Ways and Means:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, enacting the operating budget.

Sincerely,

FRED H. DORE

Chairman,

Senate Appropriations Committee.

MESSAGES FROM THE HOUSE

March 31, 1971.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 125,

ENGROSSED HOUSE BILL NO. 210,

REENGROSSED HOUSE BILL NO. 335,

ENGROSSED HOUSE BILL NO. 411,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457,

HOUSE BILL NO. 513,

ENGROSSED HOUSE BILL NO. 539,

ENGROSSED HOUSE BILL NO. 567,

ENGROSSED HOUSE BILL NO. 581,

HOUSE BILL NO. 599,

ENGROSSED HOUSE BILL NO. 682,

ENGROSSED HOUSE BILL NO. 687,

ENGROSSED HOUSE BILL NO. 727,

HOUSE BILL NO. 778,

SUBSTITUTE HOUSE BILL NO. 946,

HOUSE BILL NO. 1073,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 1, 1971.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 24, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 47,  
 SENATE CONCURRENT RESOLUTION NO. 24.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 918, by Senator Guess:

An Act relating to the state building authority; amending section 3, chapter 162, Laws of 1967 as last amended by section 1, chapter 31, Laws of 1971 and RCW 43.75.030; and declaring an emergency.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 918 was advanced to second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 918 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 Guess yield? Senator, this is the bill that we passed the concurrent resolution for yesterday and makes only the one change to conform with the Constitution?"

Senator Guess: "The Constitution and the existing statute on it, Senator Bailey."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 918, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator Durkan—1.

Excused: Senator Foley—1.

SENATE BILL NO. 918, having received the 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 HOUSE BILL NO. 125, by Representatives Shera, McCormick, Conway and Litchman (by Public Pension Commission request):

Providing for increased pension benefits for certain retired employees of institutions of higher education.

Referred to Committee on Public Pensions and Social Security.

ENGROSSED HOUSE BILL NO. 210, by Representatives Kopet and Chatalas (by Legislative Budget Committee request):

Providing that the administrative costs of the law enforcement and firefighter's retirement system are borne by the local government employer units.

Referred to Committee on Public Pensions and Social Security.

REENGROSSED HOUSE BILL NO. 335, by Representatives Bottiger, Jueling, Sawyer and Gallagher:

Delineating state agency authority over private schools.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 411, by Representatives Kopet, Chatalas and Farr (by departmental request):

Increasing fees payable to state pharmacy board.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, by Committee on State Government:

Providing for the registration and regulation of lobbyists.

Referred to Committee on State Government.

HOUSE BILL NO. 513, by Representatives Knowles, Eikenberry, Luders, Gallagher, Grant and Bagnariol:

Defining conspiracy as a crime under narcotic and dangerous drug laws.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 539, by Representatives Berentson, McDermott, Cunningham, Lysen, Williams, Brown, Conway, Gilleland, Blair, Rabel, Bluechel, Kraabel and Smythe (by executive request):

Creating a department of transportation.

Referred to Committee on State Government.

#### MOTION

Senator Washington moved that Engrossed House Bill No. 539 be referred to the Committee on Transportation.

#### POINT OF ORDER

Senator Mardesich: "The motion as stated is not correctly stated."

#### RULING BY THE PRESIDENT

The President: "The point of order presented by Senator Mardesich is well taken. The President will attempt to restate the motion. Senator Washington has moved that the Senate Committee on State Government be relieved of further consideration of Engrossed House Bill No. 539."

Debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Greive, Guess, Henry, Atwood, Clarke, Ridder, Connor, Francis, Jolly and Herr.

Senators Walgren, Connor 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 Foley who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be the motion by Senator Washington to relieve the Committee on State Government of further consideration of Engrossed House Bill No. 539.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Washington carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Andersen, Bailey, Clarke, Connor, Elicker, Fleming, Francis, Gardner, Gissberg, Holman, Huntley, Jolly, Lewis, McDougall, Mardesich, Metcalf, Murray,

Odegaard, Peterson (Ted), Ridder, Scott, Stortini, Talley, Washington, Whetzel, Wilson—26.

Voting nay: Senators Atwood, Canfield, Cooney, Day, Donohue, Dore, Durkan, Greive, Guess, Henry, Herr, Keefe, Knoblauch, McCutcheon, Matson, Newschwander, Peterson (Lowell), Sandison, Stender, Twigg, Walgren, Woodall—22.

Excused: Senator Foley—1.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate do now reconsider the vote by which the motion by Senator Washington relieved the Committee on State Government of further consideration of Engrossed House Bill No. 539.

Debate ensued.

#### PARLIAMENTARY INQUIRY

Senator Walgren: "Mr. President and members of the Senate. First, Mr. President, I rise to a question of parliamentary inquiry and that is, prior to Senator Washington's motion, had the bill in question been assigned to committee?"

#### REPLY BY THE PRESIDENT

The President: "The bill had been assigned to the Committee on State Government." Senator Walgren: "So this is a motion to relieve the Committee on State Government of the bill?"

The President: "This is a motion to reconsider the vote by which the motion to relieve the committee of further consideration of the bill was adopted."

#### MOTION

At 12:05 p.m., on motion of Senator Bailey, the Senate recessed until 12:15 p.m.

#### NOON SESSION

The President called the Senate to order at 12:15 p.m.

The Senate resumed consideration of the motion for reconsideration by Senator Mardesich that the Senate reconsider the vote by which the Committee on State Government was relieved of further consideration of Engrossed House Bill No. 539.

Senator Washington demanded a roll call and the demand was sustained by Senators Lewis, Greive, Donohue, Walgren, Clarke, Peterson (Ted), Twigg, Henry and Connor.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Mardesich carried by the following vote: Yes, 27; nays, 21; excused, 1.

Voting yea: Senators Atwood, Canfield, Cooney, Day, Donohue, Dore, Durkan, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Newschwander, Peterson (Lowell), Ridder, Sandison, Stender, Twigg, Walgren, Wilson, Woodall—27.

Voting nay: Senators Andersen, Bailey, Clarke, Connor, Elicker, Fleming, Francis, Gardner, Holman, Huntley, Lewis, McDougall, Metcalf, Murray, Odegaard, Peterson (Ted), Scott, Stortini, Talley, Washington, Whetzel—21.

Excused: Senator Foley—1.

#### MOTION

Senator Woodall moved that the motion by Senator Washington to relieve the Committee on State Government of further consideration of Engrossed House Bill No. 539 be laid upon the table.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Walgren: "Mr. President, point of parliamentary inquiry. As I understand the motion of Senator Woodall, he would move to table the motion by Senator Washington to relieve the Committee on State Government of Engrossed House Bill No. 539 and a vote in favor of Senator Woodall's motion would, in effect, leave the bill with the Committee on State Government?"

## REPLY BY THE PRESIDENT

The President: "In effect that is true."

Senator Washington demanded a roll call and the demand was sustained by Senators Peterson (Ted), Scott, Connor, McDougall, Donohue, Stortini, Jolly, Keefe and Twigg.

## ROLL CALL

The Secretary called the roll and the motion by Senator Woodall to lay the motion by Senator Washington upon the table carried by the following vote: Yeas, 24; nays, 24; excused, 1; the president voted yea.

Voting nay: Senators Atwood, Canfield, Cooney, Day, Donohue, Dore, Durkan, Gissberg, Greive, Guess, Henry, Herr, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Newschwander, Peterson (Lowell), Sandison, Stender, Twigg, Walgren, Woodall, President Cherberg—25.

Voting nay: Senators Andersen, Bailey, Clarke, Connor, Elicker, Fleming, Francis, Gardner, Holman, Huntley, Jolly, Lewis, McDougall, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Scott, Stortini, Talley, Washington, Whetzel, Wilson—24.

Excused: Senator Foley—1.

Engrossed House Bill No. 539 was referred to the Committee on State Government.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

## MOTION

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 567, by Representatives Bagnariol, Barden and Merrill:

Providing for merger of sewer districts into water districts.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 581, by Representatives Pardini, Thompson, Juelling and Smythe:

Providing for revisions in insurance law.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 599, by Representatives Eikenberry, Kirk and Jones:

Clarifying ballot titles of initiative and referendum measures.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 682, by Representatives Barden, Merrill, Lynch, Ceccarelli, Juelling, McCormick, Polk, Haussler, Kopet, Luders, Kuehnle, Smith, Mentor, Backstrom, Bauer, Litchman, Randall, Rosellini, Schumaker, Shera, Shinpoch and Wolf:

Requiring the attorney general to prosecute welfare fraud cases.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 687, by Representatives Conner, Flanagan and Gallagher:

Increasing commercial salmon fishing license fees.

Referred to Committee on Natural Resources, Fisheries and Game.

ENGROSSED HOUSE BILL NO. 727, by Representatives Amen, Haussler and Bauer: Providing for livestock identification.

Referred to Committee on Agriculture and Horticulture.

HOUSE BILL NO. 778, by Representatives Kiskaddon, Blair, Ross, Maxie and Kraabel (by executive request):

Establishing a "Citizens-Legislative Task Force."

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 946, by Committee on Labor and Employment Security:

Providing for review of hospital construction contracts to prevent discriminatory practices.

Referred to Committee on Labor and Industrial Insurance.

HOUSE BILL NO. 1073, by Representatives Bledsoe and Flanagan:

Providing for the transfer of territory from one county to another.

Referred to Committee on Cities, Towns and Counties.

On motion of Senator Gissberg, the following resolution was unanimously adopted:

#### SENATE RESOLUTION: 1971-EX-45

By Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson and Woodall:

WHEREAS, The members of this body are aggrieved to learn of the death on March thirtieth of Mrs. Pearl Foley, mother of our fellow senator, Frank; and

WHEREAS, Mrs. Foley, who was a long-time resident of the state of Washington, had been a devoted wife and mother;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate, that our most sincere sympathy be and is extended to our fellow senator, Frank, and other members of the family, in this, their hour of bereavement; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare and transmit copies of this Senate Resolution to the Foley family as appropriate.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Dore moved that the Senate do now reconsider the vote by which Engrossed Substitute Senate Bill No. 105 failed to pass the Senate.

Senators Greive, Connor and Ridder 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 Foley who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

Debate ensued.



## POINT OF INQUIRY

Senator Peterson (Ted): "Mr. President, would Senator Guess yield to a question? Senator, you are with the AGC contractors and we know what organization you have but you keep referring to the fact that you are putting the people in the small towns out of business. You are not putting them out of business at all and I just want you to clarify why you keep saying that. Just how do you put them out of business? They are not going out of business because of this at all. They are still independent small entrepreneurs' or businessmen. There is no thought of putting them out of business.

"Now you have to give us a better explanation than what you have as to why they are going out of business. You have not done this."

Senator Guess: "Senator Peterson, the reason that they went out of business was because they could not put up the bond and without the bond they could not make any collections and the records are there.

"I have talked to several of these people who were small contractors before the act came into being and I know that this is their personal statement to me. I have had a letter already that one man says that the insurance companies are now refusing to write the bonds for the small contractor because the yield has not been sufficiently high to justify writing that kind of business. He wanted me this time to see if I could not get some kind of different bond arrangement so that the small contractor in Spokane even could stay in business."

Further debate ensued.

Senator Greive demanded a roll call on the motion for reconsideration and the demand was sustained by Senators Herr, Peterson (Lowell), Newschwander, Stortini, Donohue, Mardesich, Metcalf, Connor and Cooney.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Dore carried by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Wilson—29.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Gissberg, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel, Woodall—19.

Excused: Senator Foley—1.

## MOTION

Senator Dore moved that Engrossed Substitute Senate Bill No. 105 be returned to second reading.

## POINT OF ORDER

Senator Greive: "In looking at Rule 12, it is my understanding that an order of business established by this rule may be changed and any order of business already dealt with may be reverted to advance by a majority of those present and I ask that that be kept in mind in light of the vote."

## POINT OF ORDER

Senator Woodall: "My point of order is that we have not let the vote be announced yet."

## REPLY BY THE PRESIDENT

The President: "Twenty-nine yeas, nineteen nays, Senator."

## RULING BY THE PRESIDENT

The President: "Senator Greive, the order of business is not the item in question. The measure is on final passage. It took a suspension of the rules to advance it to that point, therefore the President believes that it takes a suspension of the rules to revert or return. The President believes your point of order is not well taken."

## MOTION

Senator Greive moved that Engrossed Substitute Senate Bill No. 105 be referred to the Committee on Rules and Joint Rules.

## POINT OF ORDER

Senator Woodall: "The President has not officially announced whether or not this motion by Senator Dore has lost or carried."

## RULING BY THE PRESIDENT

The President: "Your point of order is well taken. The motion to return the measure to second reading has failed."

The motion by Senator Greive to refer Engrossed Substitute Senate Bill No. 105 to the Committee on Rules and Joint Rules carried on a rising vote.

## MOTION

At 2:15 p.m., on motion of Senator Greive, the Senate recessed until 2:30 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

## MOTIONS

Senator Bailey moved that Engrossed Substitute Senate Bill No. 105 be referred to the Committee on Commerce and Regulatory Agencies.

Senator Woodall moved that the Senate dispense with the Call of the Senate.

The motion by Senator Woodall failed.

The motion by Senator Bailey carried.

## MOTION

At 2:35 p.m., on motion of Senator Greive, the Senate was declared to be at ease subject to the Call of the Chair.

The President called the Senate to order at 3:10 p.m.

## MOTIONS

On motion of Senator Gissberg, there being no objection, the Committee on State Government was relieved of further consideration of Second Substitute House Bill No. 594.

On motion of Senator Gissberg, Second Substitute House Bill No. 594 was referred to the Judiciary Committee.

On motion of Senator Greive, the Senate returned to the first order of business.

## REPORT OF STANDING COMMITTEE

April 1, 1971.

ENGROSSED SUBSTITUTE SENATE BILL NO. 105, providing an automotive repair responsibility act (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 7, line 33 after the word "be" strike "fifty" and insert "ten"

On page 4, section 7, line 2, strike "twenty-five" and insert "ten"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Gardner, Keefe, Knoblauch, Peterson (Lowell), Stortini, Walgren.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the committee amendment to page 3, section 7, line 33.

#### POINT OF INQUIRY

Senator Guess: "Will Senator Mardesich yield? Senator, this bill has not been in the Committee on Ways and Means and it has been declared to be a self-financing bill. If it was self-financing on fifty dollars, I cannot understand how it would be self-financing on ten dollars."

Senator Mardesich: "It was a revenue measure before and now it is simply self-financing."

The motion by Senator Mardesich carried and the committee amendment to page 3, section 7, line 33 was adopted.

On motion of Senator Mardesich, the committee amendment to page 4, section 7, line 2 was adopted.

On motion of Senator Bailey, the following amendment was adopted:

On page 7, section 21, line 7, after "act" and before the period insert "": PROVIDED, That this shall not affect any person holding a business license in any city or county or with the state department of revenue for the twelve months preceding the effective date of this act"

Senator Greive moved that the rules be suspended, Engrossed Substitute Senate Bill No. 105 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

#### POINT OF ORDER

Senator Gissberg: "I raise the point of order that after second reading Rule 61 says 'shall be referred to the Rules Committee' referring to suspension of the rules."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Gissberg rules that the point of order as presented by Senator Gissberg is well taken as outlined in paragraph 4 of the section entitled 'Amendments' under Rule 61. Upon your inquiry the President will rule when that particular point comes up. The measure is passed to third reading."

#### MOTION

Senator Greive requested the Senate be at ease subject to the Call of the President.

#### POINT OF ORDER

Senator Guess: "I would like to ask the President if a motion is required for us to be put at ease to have a Rules Committee meeting or is this operated on a courtesy basis of a simple request? Parliamentary-wise, should not we have a motion to that effect?"

#### RULING BY THE PRESIDENT

The President: "No, sir, the President does not believe a motion is necessary, Senator Guess. The President believes it is within the discretionary powers of the President to put the Senate at ease when such occasion arises in his mind."

At 3:25 p.m. the President declared the Senate to be at ease subject to the Call of the President.

The President called the Senate to order at 3:30 p.m.

#### POINT OF ORDER

Senator Clarke: "Point of order, Mr. President. My point, Mr. President, simply is that Rule 61 in substance means that there must be an interval of one day between each reading, applying it to the particular case in point here, there has been an amendment on second reading and under the rule the intent is that a day shall elapse in order to allow the members to consider the effect of that amendment in order that they may be better informed as to how they wish to vote on third reading."

## RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order presented by Senator Clarke, believes that Senator Clarke's logic in that the Senate deliberation of a bill upon three separate days is proper and correct. However, this is a very unusual situation and that the record shows that the bill has been read upon three separate days and yesterday the Senate voted to suspend the third reading. Therefore, the President believes that in order to expedite the business of the Senate that the Senate at this time should consider whether it wishes to pass the bill or not."

## PARLIAMENTARY INQUIRY

Senator Holman: "Are we on third reading then?"

## REPLY BY THE PRESIDENT

The President: "Yes, Senator."

## POINT OF INQUIRY

Senator Holman: "I wonder than, would Senator Bailey yield to a question? Senator, during the interim while the Rules Committee was meeting, I went up to the desk and read your amendment that you placed on this bill during second reading and I see what you are getting at but I do not think you did it by the language you used. You said that, in effect, this act does not apply to anyone who had a business license in the preceding twelve months. That could be a lot of people, it could include barbers and hairdressers and lawyers. I am sure you probably meant auto mechanics but do you not think in view of the fact this purports to be a criminal statute, it would be a good idea to return this to second reading and possibly fix it up?"

Senator Bailey: "I am sure that our Supreme Court would hold this constitutional. I just feel sure."

Senator Holman: "Then may I ask you one more question, Senator Bailey. The title of the bill says, 'An act relating to motor vehicle repairs and prescribing penalties'. Can you point out anything in this bill where any penalties are prescribed?"

Senator Bailey: "I have no answer to that, Senator Holman. I am not the author of the bill. I was only trying to protect the little people—if we could be guaranteed that you would make a corrective amendment and let it pass, come back to third reading, I would have no objection to any technical correction. But if we are going to have this same mickey mouse show all over again and waste another day on it, well I would object to moving it back."

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 105, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Donohue, Dore, Durkan, Francis, Gardner, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Walgren, Washington—25.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Day, Elicker, Fleming, Gissberg, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Talley, Twigg, Whetzel, Wilson, Woodall—23.

Excused: Senator Foley—1.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 105, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

## SECOND READING

HOUSE BILL NO. 832, by Representatives Johnson, Goldsworthy and Zimmerman:

Making an appropriation for water pollution control facilities.

The Senate resumed consideration of House Bill No. 832. The rules having been suspended and the bill read the second time in full on March 31, 1971.

On motion of Senator Day, the rules were suspended, House Bill No. 832 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. 832, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Foley—1.

HOUSE BILL NO. 832, having received the 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. 308, by Senators Knoblauch, Stortini and Peterson (Ted):

Providing veterans with public employment preferences.

The Senate resumed consideration of Senate Bill No. 308 on second reading and the pending committee amendments.

On motion of Senator Woodall, the following amendment to the committee amendment to page 2, section 1 was adopted:

Amend the Committee amendment to page 2, section 1, line 9, as follows: On line 4 of subsection (3) of the amendment, after "authorized" and before the semicolon insert "*PROVIDED, That any widow married to such an ex-serviceman at the time of his induction or during his service shall be qualified for preference without regard to duration of the marriage: PROVIDED FURTHER, That any widow of an ex-serviceman married to such ex-serviceman after his separation from the service shall not be qualified for preference unless married to such serviceman for three years*"

The committee amendment to page 2, section 1, as amended, was adopted.

On motion of Senator Wilson, the committee amendment to page 2, section 1, line 17 was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 308 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. 308, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senator Foley—1.

ENGROSSED SENATE BILL NO. 308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 82, by Senators Peterson (Ted), Francis and Murray:

Authorizing conveyance of certain tidelands in King county to state board for community college education.

The bill was read the second time by sections.

On motion of Senator Peterson (Ted), the rules were suspended, Senate Bill No. 82 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 Whetzel: "Will Senator Peterson (Ted) yield? Senator, this waterway where this college is going to put these facilities, is the outlet of Lake Union. One of the things we have been concerned about there over the years is the creeping filling in of that area. This is inside the locks, I believe, isn't it?"

Senator Peterson (Ted): "Yes, it is."

Senator Whetzel: "One of the problems is the quality of the water and the whole character of the waterway; the ship canal and the lake is suffering from extensive filling. The question to you, is the purpose of this deed to acquire the tidelands for the purpose of filling for construction other than of a dock or a wharf or such kind of facility as that?"

Senator Peterson (Ted): "Senator, you answered your question. They did not have to fill in at all. They had to put some rip rap in and some sheathing and some supporting piles. It was an old sawmill, the last sawmill in Ballard out of eighteen was located here and rather than have the ground slough into the canal, they put this sheathing in with pilings and then put dolphins in and then they dredged out in that area. Instead of filling in, they dredged this out so that she could lay there at thirty-five feet in low mean water so there was no filling, in fact we deepened and took a little more of the shore away so that we could have the proper area to berth her and she would be out of the way of the transportation which comes through the Ballard bridge when the bridge is up."

Senator Whetzel: "Then to pursue this question, if all this has been done, what is the purpose of getting a deed for the tidelands?"

Senator Peterson (Ted): "They purchased the property next to it, Senator, and it is like for instance you had property on the beach somewhere, you would like to have the tideland rights. In most cases when you have property up to the accreted area and down, you would like to have the tideland rights because in that way you control the property and as long as it is property of the Seattle Community College, they rightfully should have that and acquire, at least have a deed to the property."

Senator Mardesich: "The answer to the question is that the abutting owner has the right to fill in."

#### POINT OF INQUIRY

Senator Whetzel: "Will Senator Mardesich yield? If the law provides the abutting owner has the right to acquire the tidelands, why is it necessary for us to pass a bill transferring this deed to the community college?"

Senator Mardesich: "I do not say that the law says that. I say that the law provides that the abutting owner has the right to fill in. I assume that this would give the community college the right to fill in more territory if they so desired."

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 82, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senators Connor, McCutcheon-2.

Excused: Senator Foley-1.

SENATE BILL NO. 82, having received the 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. 147, by Senators Talley, Bailey and Connor:

Providing that the department of natural resources can charge only a management fee for lease to a governmental agency of a harbor area.

MOTION

On motion of Senator Talley, Substitute Senate Bill No. 147 was substituted for Senate Bill No. 147 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Talley, the rules were suspended, Substitute Senate Bill No. 147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 147, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senator Foley—1.

SUBSTITUTE SENATE BILL NO. 147, having received the 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 HOUSE BILL NO. 415, by Representatives Amen, Haussler and Bledsoe (by Joint Committee on Governmental Cooperation and departmental request):

Providing for the investigation and control of pesticide poisoning.

REPORT OF STANDING COMMITTEE

March 18, 1971.

ENGROSSED HOUSE BILL NO. 415, providing for the investigation and control of pesticide poisoning (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass with the following amendments:

Amend the printed House Committee Amendment by the Committee on Agriculture on page 2 inserting a new section 3 and 4 as follows: On page 1, section 3, line 14, being page 2, section 3, line 18 of the engrossed bill, after "or is" strike "hereinafter" and insert "hereafter"

Amend the printed House Committee Amendment by the Committee on Agriculture on page 2 inserting a new section 3 and 4 as follows: On page 2, section 4, beginning on line 10 strike all of subsection (2) and reletter subsection "(b)" to read "(a)" being page 3, section 4, beginning on line 6 of the engrossed bill.

Amend the printed House Committee Amendment by the Committee on Agriculture on page 2 inserting a new section 3 and 4 as follows: On page 2, section 4, line 11, being page 3, section 4, line 9 of the engrossed bill, after "to" and before "dispose" insert "to assume control of the property and"

Amend the printed House Committee Amendment by the Committee on Agriculture on page 2 inserting a new section 3 and 4 as follows: On page 2, section 4, beginning on line 14, being page 3, section 4, beginning on line 12 of the engrossed bill, after "section," strike "such individual shall be guilty of a gross misdemeanor and" and on line 18 of the printed

amendment being line 16 of the engrossed bill, after "result of" and before "failure" insert "intentional"

Amend the printed House Committee Amendment by the Committee on Agriculture on page 2 inserting a new section 3 and 4 as follows: On page 2, section 4, line 33 of the printed amendment being page 3, section 4, line 31 of the engrossed bill, after "action" and before "taken" insert "not grossly negligent"

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Canfield, the following amendment was adopted:

On page 1, section 3, line 8 of the amendment, being page 2, section 3, line 12 of the engrossed bill, after "purposes" insert ": PROVIDED, That tissue, if taken from a living human, shall be taken from a living human only with the consent of a person legally qualified to give such consent"

On motion of Senator Matson, the following amendment by Senators Matson and Donohue was adopted:

On page 2, section 3 (4), line 32 of the amendment, being page 3, line 30 of the engrossed bill, strike all of subsection (4). Renumber subsections (5) and (6) as subsections (4) and (5).

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 415, 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. 415, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Connor, Durkan, McCutcheon—3.

Excused: Senator Foley—1.

ENGROSSED HOUSE BILL NO. 415, 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.

ENGROSSED HOUSE BILL NO. 273, by Representatives Hurley, Kiskaddon, Douthwaite and Charnley:

Requiring environmental impact reports on interstate and primary state highways.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 273 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. 273, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.



Voting nay: Senators McDougall, Matson, Newschwander-3.  
 Absent or not voting: Senators Connor, McCutcheon-2.  
 Excused: Senator Foley-1.

ENGROSSED HOUSE BILL NO. 273, having received the 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. 98, by Senators Francis, Metcalf and Ridder (by Joint Committee on Education and executive request):  
 Setting out guidelines for pupil conduct, discipline and rights in the common schools.

REPORT OF STANDING COMMITTEE

February 2, 1971.

SENATE BILL NO. 98, setting out guidelines for pupil conduct, discipline and rights in the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 3, line 15, strike "The privilege of attending" and insert "Attending"

On page 3, section 8, line 8, after "expulsion" and before the period insert " PROVIDED, That in interpreting this section the highest consideration shall be given to the judgment of the teacher or administrator regarding conditions necessary to maintain the optimum learning atmosphere"

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Ridder, Washington.

The bill was read the second time by sections.

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

Senator Ridder moved adoption of the following amendment:

On page 1, section 1, line 25 after "conduct" and before the comma, insert "pursuant to RCW 28A.72"

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "As I gather then, what we are doing is making the conduct of children mandatorily a subject for negotiation whereas it was prior to this time unless being negotiated otherwise by agreement, unless had been negotiated, it was a matter for the administrative officials to make determination with respect to. Is this correct and this would now mandate that conduct is a negotiable item?"

Senator Ridder: "Under the present law, school boards shall not adopt any written policy until the problem has been submitted for negotiation with the teacher. Of course, it says that the present policies to be negotiated are unlimited and this, of course, is one of the policies that would have to be taken up before it became a policy and consequently would be negotiated. I am merely adding this amendment to clarify for a certain organization. If you want it taken out, I am more than willing to have it dropped but I am putting it before the body and let them use their wisdom to whether place it or not place it."

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

On motion of Senator Metcalf, the following amendment was adopted:

On page 2, section 5, line 26, after "activities" insert ", the optimum learning atmosphere at school,"

On motion of Senator Stortini, the following amendment was adopted:

On page 3, section 10, line 16, after "administrator" and before "who" insert "or any other school personnel"

On motion of Senator Newschwander, the following amendment was adopted:

On page 3, section 11, line 28, strike section 11. Renumber following sections consecutively.

Senator Odegaard moved adoption of the following amendment:

On page 4, section 12, line 9, after "witnesses," strike all the material down to and including "5.56.020." on line 12.

POINT OF INQUIRY

Senator Woodall: "Will Senator Ridder yield? Senator, are there any guidelines in your subpoena power as to what conditions it can be issued or is it solely the caprice of someone who thinks it ought to be done?"

Senator Ridder: "Over the number of hearings that we had, Senator, we have had counsel present. The counsel has told us that this is sufficient and that this does not need guidelines. Now if you have some guidelines, I certainly would like to have you put them in. I am more than willing to see that guidelines be put in if you want to utilize this power under certain perimeters but I hope that. . ."

Senator Woodall: "What your answer at the moment is that as of now there are no guidelines. That is your answer to my question. There are no guidelines. That was your answer?"

Senator Ridder: "It must be used by the appropriate school authorities. That is your guideline."

Senator Woodall: "That is the sole guideline. Now secondly, who serves this process on the parents? Do you call in the sheriff and he has to serve it, who is the process server in this case?"

Senator Ridder: "I am not familiar, as not being a lawyer, with the process of subpoena."

Senator Woodall: "The third and last question, if they do not respond, who punishes for contempt? Are there fines, does the school authority sentence a person to the county jail? How is punishment for failing to answer the subpoena taken care of in your bill?"

Senator Ridder: "You are the expert on the law but I would say that there are normal subpoena rules and if you file a serving of a subpoena through the sheriff, those people must show up and if they do not, they are in contempt."

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

On motion of Senator Metcalf, the following amendment was adopted:

On page 5, section 15, line 4, after "ceases" insert ", the danger to the optimum learning atmosphere has ended,"

Senator Stender moved adoption of the following amendment:

On page 2, section 1, beginning on line 3, strike everything down to and including "affected" on line 23, page 7.

Debate ensued.

Senators Matson, Talley and Murray demanded the previous question and the demand was sustained.

Senator Ridder demanded a roll call and the demand was sustained by Senators Francis, Peterson (Lowell), Metcalf, Keefe, Knoblauch, Talley, Matson, Cooney and Scott.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stender.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Stender failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 31; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Clarke, Day, Donohue, Guess, Holman, Matson, Newschwander, Odegaard, Peterson (Lowell), Stender, Twigg, Woodall—14.

Voting nay: Senators Bailey, Canfield, Cooney, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Whetzel, Wilson—31.

Absent or not voting: Senators Connor, McCutcheon, Washington—3.

Excused: Senator Foley—1.

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 98 was ordered held on the second reading calendar for Friday, April 2, 1971.

At 5:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, April 2, 1971.

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

## TWENTY-SECOND DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, April 2, 1971.

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, Peterson (Ted) and Foley. On motion of Senator Peterson (Lowell), Senator Herr was excused. On motion of Senator McDougall, Senator Peterson (Ted) was excused. On motion of Senator Keefe, Senator Foley was excused.

The Color Guard, consisting of Pages Tom Sawyer, Color Bearer, and Nancy Moulton, presented the Colors. Reverend Daniel Y. Quello, pastor of Our Saviour's Lutheran Church of Olympia, offered prayer as follows:

"Our Kind Heavenly Father, You have asked us to manage this 'good earth'. You have put its order within our dominion. You have made us partners in this task of government. Concern Yourself, this day, with what happens in these chambers. Let us not shrink back from the task that is ours, but rather allow 'good government' to happen through us. Let us be attentive to Your counsel . . . responsive to Your word . . . and sensitive to the need of others. Let our judgments spring from our convictions and let our convictions spring from Your Truth. Temper our ideas with Your ideals, and grant us the luxury to live at peace with a decision once made.

"Mindful of the partnership that is ours, let us go forward this day with the confidence and trust that You go with us. Knowing as we go, that 'here on earth Your work must truly be Your own.' Grant, Heavenly Father, when this day be over, that each one present may hear Your words of approval, 'Well done good and faithful servant!'

"Let this be our prayer this day, in Christ's Name. Amen."

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

## PERSONAL PRIVILEGE

Senator Canfield: "Mr. President and members of the Senate, it is not very often we have a pleasant report to make. We are having a lot of economic distress in this state. We have had some real haymaker blows against the economy of this state and I wanted to speak in regard to the latest announcement from the White House that the Hanford reactor will be kept open for a period of three years.

"When the closure announcement was first made by the government, we lost round number one. We sent a task force back to Washington, D. C. and the report that came back was 'No'. We lost the second round. We did not give up. We sent another task force back and this time we won the battle.

"Although the terms of the contract had to be modified somewhat, industry and all concerned have agreed to those terms and under those terms the reactor will be kept going.

"Under my remarks of personal privilege, I would like to thank the Senate for the support they have given in the past few years to the nuclear program. You have supported the Western Nuclear Interstate Compact which was a fine step forward. You have supported the formation of the Joint Committee on Nuclear Energy composed of members of the Senate and the House and we have all worked as a team to do the things that are necessary in this area.

"I wanted to commend everyone concerned, the leadership of the Governor, the leadership of the task force, the leadership of this Senate and the House in all cooperating to further this most worthwhile program, and the people of the State of Washington are grateful for this action. Thank you, Mr. President."

## PRESIDENT'S INQUIRY

The President: "Which airline did the task force fly and did the members get along okay with each other?"

Senator Canfield: "I have no comment. We flew on two airlines and I think the trip was most harmonious from every angle."

The President: "The reason the President asked the question is because we have a number of airline representatives present in the north gallery, Senator."

### REPORTS OF STANDING COMMITTEES

April 2, 1971.

SENATE BILL NO. 93, establishing the Washington commission for the blind (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution): MAJORITY recommendation: That Substitute Senate Bill No. 93 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Cooney, Francis, Greive, Holman, Keefe, Odegard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 259, implementing law relating to tuition contracts of state's institutions of higher education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 605, providing for the licensing and regulation of hulk haulers (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 606, providing for the removal of abandoned junk motor vehicles (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

SENATE BILL NO. 747, providing certain measures to aid in the prevention of fraud in the receipt of public assistance payments (reported by Committee on Public Institutions): MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE BILL NO. 860, authorizing bonds for community college district capital projects programs (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Francis, Gardner, Guess, Henry, Lewis, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

SENATE CONCURRENT RESOLUTION NO. 20, authorizing a study of the protection of animals (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

ENGROSSED HOUSE BILL NO. 123, managing the taking of certain mammals (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Donohue, Gissberg, Matson, Metcalf.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

HOUSE BILL NO. 233, providing that a lawyer's code of ethics shall be adopted by the supreme court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

ENGROSSED HOUSE BILL NO. 244, making larceny by check constitute grand larceny (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Francis, Greive, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

ENGROSSED HOUSE BILL NO. 262, providing that bonds in civil cases shall not be required of banks and savings and loan associations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Clarke, Durkan, Francis, Greive, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

HOUSE BILL NO. 391, authorizing the sale, lease, or exchange of certain properties by Washington State University (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Francis, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

ENGROSSED HOUSE BILL NO. 540, regulating pesticides and establishing a control board (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

ENGROSSED HOUSE BILL NO. 575, providing that counties may elect an average base commitment rate for the subsidized probation program (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 1, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, providing for a study on a state regional library system (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Francis, Gardner, Guess, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

LETTERS OF INFORMATION

March 31, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bill has been passed out of the subcommittee on Revenue and Taxation and into the full Committee on Ways and Means:

HOUSE BILL NO. 307: Extending two mill shift for schools.

Sincerely,  
HUBERT F. DONOHUE, Chairman,  
Revenue and Taxation Committee.

April 1, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the subcommittee on Revenue and Taxation and into the full Committee on Ways and Means:

HOUSE BILL NO. 213: Inheritance taxes, payment period.

SENATE BILL NO. 587: County assessment function, regulation.

HOUSE BILL NO. 110: Property tax, erroneous payment.

Sincerely,  
HUBERT F. DONOHUE, Chairman,  
Revenue and Taxation Committee.

#### GUBERNATORIAL APPOINTMENTS

April 2, 1971.

HARRY T. HUNT, to the position of trustee of the Community College District No. 1 (Peninsula) appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

OLIVER TIBBETTS, to the position of trustee of the Grays Harbor Community College District No. 2, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

STANLEY C. GILLIES, to the position of trustee of the Grays Harbor Community College District No. 2, appointed by the Governor on June 16, 1970 for the term ending April 3, 1972, succeeding Harry C. James (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

JOHN R. BRUCKART, Jr., to the position of trustee of the Olympic Community College District No. 3, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding John O'Neill (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DR. RICHARD M. HOAG, to the position of trustee of the Skagit Valley Community College District No. 4, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

THEODORE H. MUNCASTER, to the position of trustee of the Community College District No. 5, (Everett Junior College—Edmonds Community College) appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Archie Baker (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

JOHN B. HUGHES, to the position of trustee of the Shoreline Community College District No. 7, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Don McChesney (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

B. T. GARDNER, to the position of trustee of the Bellevue Community College District No. 8, appointed by the Governor on August 12, 1970 for the term ending April 3, 1974, succeeding C. E. Robison (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

MRS. HARRIET S. JAQUETTE, to the position of trustee of the Bellevue Community College District No. 8, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding herself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

REID E. HALE, to the position of trustee of the Highline Community College District No. 9, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DR. SPENCER W. SHAW, to the position of trustee of the Green River Community College District No. 10, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

HELEN SMITH, to the position of trustee of the Green River Community College District No. 10, appointed by the Governor on September 22, 1970 for the term ending April 3, 1972, succeeding Robert Olson (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

JOHN L. ARAM, to the position of trustee of the Clover Park Community College District No. 11, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Merrill A. Young (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DOUGLAS RICHTER, to the position of trustee of the Clover Park Community College District No. 11, appointed by the Governor on June 30, 1970 for the term ending April 3, 1973, succeeding Wallace Hager (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

MELVIN D. HENDERSON, to the position of trustee of the Centralia Community College District No. 12, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Mrs. Anne Caldwell (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

MRS. WARD H. SMITH, to the position of trustee of the Lower Columbia Community College District No. 13, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding herself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

RICHARD E. LAWTON, to the position of trustee of the Clark Community College District No. 14, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DR. ROBERT M. KINTNER, to the position of trustee of the Wenatchee Valley Community College District No. 15, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 2, 1971.

MRS. RUTH F. MOTTLEY, to the position of trustee of the Yakima Community College District No. 16, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding herself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.



Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

CHARLES de LaCHAPELLE, to the position of trustee of the Yakima Valley Community College District No. 16, appointed by the Governor on December 17, 1970 for the term ending April 3, 1973, succeeding Zeke Smith (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

LEONARD STUBBS, to the position of trustee of the Spokane Community College District No. 17, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DICK D. LUDEMAN, to the position of trustee of the Big Bend Community College District No. 18, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Max Kohler (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

O. C. ADAMS, to the position of trustee of the Columbia Basin Community College District No. 19, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

LESLIE W. JAMES, to the position of trustee of the Walla Walla Community College District No. 20, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding himself (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

MRS. E. K. STIMPSON, to the position of trustee of the Community College District No. 21, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding herself (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 2, 1971.

DONALD E. ANDERSON, to the position of trustee of the Tacoma Community College District No. 22, appointed by the Governor on April 3, 1970 for the term ending April 3, 1975, succeeding Mrs. Maxine Myers (reported by Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

## MESSAGES FROM THE HOUSE

April 1, 1971.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 90,  
 HOUSE BILL NO. 149,  
 ENGROSSED HOUSE BILL NO. 367,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 440,  
 HOUSE BILL NO. 466,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 1, 1971.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 47,  
 SENATE CONCURRENT RESOLUTION NO. 24,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 2, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 273,  
 HOUSE BILL NO. 832,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 273,  
 HOUSE BILL NO. 832.

## STATEMENT FOR THE SENATE JOURNAL

April 2, 1971.

RE: SENATE BILL NO. 441

Although I was greatly in favor of the portion of the bill which precluded interference with our courts, I was opposed to unreasonable conditions and charges for a small arms permit.

(Signed) Senator William S. Day.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 919, by Senators Dore, Fleming, Ridder, Herr and Stortini:

An Act relating to public assistance; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means—Appropriations.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 919.

SENATE JOINT MEMORIAL NO. 14, by Senators Peterson (Ted), Scott and Peterson (Lowell):

Urging President of United States to seek to protect anadromous fish.

Referred to Committee on Natural Resources, Fisheries and Game.

SENATE JOINT RESOLUTION NO. 37, by Senators Whetzel, Murray and Fleming:

Amending the state Constitution to allow retired persons leasing residential property the same property tax exemption as is now granted to retired property owners.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 90, by Representatives Brouillet, Hoggins, Chatalas, Kirk, Merrill, Lynch, Grant, Conner, Thompson, Marsh, Backstrom, Bagnariol, Bauer, Beck, Ceccarelli, Charnley, Douthwaite, Farr, Gallagher, King, Luders, Martinis, Marzano, Mentor, McCormick, O'Brien, Paris, Rosellini, Williams, Wojahn and Litchman (by Joint Committee on Education, executive and Superintendent of Public Instruction request):

Relating to educational opportunities for all handicapped children.

Referred to Committee on Education.

HOUSE BILL NO. 149, by Representatives O'Brien, Wolf, Hubbard, Backstrom, Conner and Conway (by departmental request):

Revising the Washington Public employees' retirement system.

Referred to Committee on Public Pensions and Social Security.

ENGROSSED HOUSE BILL NO. 367, by Representatives Brown, Bottiger, Wanamaker, Charnley, Kraabel, Chatalas, Douthwaite and Mentor (by Attorney General request):

Prohibiting payment of organizers of petition drives.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, by Committee on Elections and Apportionment:

Regulating certain activities of political parties.

Referred to Committee on Constitution, Elections and Legislative Processes.

HOUSE BILL NO. 466, by Representatives Kuehnle, Randall, Kopet and Backstrom: Permitting school districts to engage agents or licensed real estate brokers to negotiate sale of district real property.

Referred to Committee on Education.

### SECOND READING

SENATE BILL NO. 98, by Senators Francis, Metcalf and Ridder (by Joint Committee on Education and executive request):

Setting out guidelines for pupil conduct, discipline and rights in the common schools.

The Senate resumed consideration of Senate Bill No. 98, as amended, on second reading.

Senator Stender moved adoption of the following amendment:

On page 1, section 1, line 20, restore stricken material on lines 20-23 and on page 2, line 3, strike the remainder of the bill.

### PARLIAMENTARY INQUIRY

Senator Ridder: "Yesterday we had the almost identical amendment by Senator Stender in which he attempted to strike the remainder of the bill. In this case a little extra has been added but the same amendment is in force, it seems to me. How long can one go on striking the remainder of the bill?"

### REPLY BY THE PRESIDENT

The President: "Senator Ridder, in answer to your inquiry, the amendment proposed by Senator Stender yesterday providing for the striking of certain material, this particular amendment restores certain material and strikes others. Therefore it is in order."

Debate ensued.

Senator Ridder demanded a roll call and the demand was sustained by Senators Stender, Scott, Sandison, Stortini, Francis, Fleming, Washington, Metcalf, Cooney and Connor.

### ROLL CALL

The Secretary called the roll and the amendment by Senator Stender was not adopted by the following vote: Yeas, 20; nays, 25; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Day, Donohue, Guess, Henry, Holman, Huntley, Jolly, Lewis, McDougall, Matson, Newschwander, Odegaard, Stender, Twigg, Whetzel, Woodall-20.

Voting nay: Senators Bailey, Connor, Cooney, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Keefe, Knoblauch, Mardesich, Metcalf, Murray, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson-25.

Absent or not voting: Senator McCutcheon-1.

Excused: Senators Foley, Herr, Peterson (Ted)—3.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 98 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.  
Debate ensued.

#### POINT OF INQUIRY

Senator Gissberg: "Would either Senator Francis or Senator Ridder respond to an inquiry for the record? This bill would purport to set up hearing procedures as you have indicated but section 5 constitutes a prohibition against expelling, suspending or disciplining in any manner for the performance of or failure to perform any act not directly related to the orderly operation of the school or school sponsored activities, the optimum learning atmosphere at school or any other aspect of the educational process.

"Now that says that the school cannot discipline except in that very limited area. My question is, if a student comes upon the campus and smokes a marijuana cigarette or if a student comes upon the campus, we are talking about common school now, with a bottle of alcohol, that is intoxicants, and does not display it particularly to other students but actually takes a couple drinks of it; now then in your opinion and under this section 5, would the smoking of the marijuana cigarette, it having no effect on the student as such, would either of those two acts relate to his failure to perform any act not directly related to the orderly operation of the school or school sponsored activities, the optimum learning atmosphere at school or any other aspect of the educational process?"

Senator Francis: "Senator Gissberg, my answer to your question is yes. I would like to elaborate my answer a little bit.

"The focus of school discipline has to be somehow related to the educational process and that is what we are saying here. In the past we have said, 'you cannot set up rules which are unreasonable'. Or to put it another way, 'Your rules have to be reasonable'. We go to court and fight over what is reasonable. Here we are elaborating a little more. We are saying that in order to be reasonable, a rule has to be somehow or another related to the orderly operation of school or school sponsored activities, the optimum learning atmosphere or some other aspect of the educational process. We can always argue, of course, over whether these things are related or not but it seems to me quite clear that when you are setting forth standards for behavior in school, you are talking about marijuana or talking about tobacco. If you are telling someone they will not smoke, you are setting up a standard of behavior which is reasonably related to the educational process. That especially, of course, and I have talked with Senator Stortini about this before, could very well be related to a school sponsored activity such as athletics. So that even taking place off the school grounds if it were a violation of a training rule, would certainly be related to a school sponsored activity. I think very clearly these would be reasonable rules within the focus that section 5 puts on it."

#### POINT OF INQUIRY

Senator Woodall: "Would the Senator yield further? Now I am seriously interested in whether or not we are curtailing the power of the teacher to teach and the instructor to instruct. The matter of dress, length of dress, cleanliness, personal habits as to dress and mode and so forth. Are they restricted under this or will we have a lawsuit over each time when they attempt to make some rule as to how the student must dress?"

Senator Francis: "Senator Woodall, as an attorney you are used to having to go to court over the question of what is reasonable. You have found in the past that that is best determined on a case by case basis. The Tinker case, the United States Supreme Court, 1969 said that if students can wear buttons and iron crosses and other things, you cannot kick them out of school for wearing a black armband in protest of the Viet Nam war. Now that is all it said as far as specific things. It did not go into hemlines on girl students' skirts or anything else.

"I personally think that a high hemline could be very disruptive or certainly distracting to boy students but I think that this is the kind of thing that has to be decided on a case by case basis.

"The thing that we are doing in the law is saying, these things have to be focused upon the question of whether or not it relates to school. If you are not disrupting school to wear your hair long and you are a boy, it is no school administrator's business, in my opinion, and I suppose you could argue to the contrary and say that is distracting too. We are not deciding that case here either. We are deciding that the question has to be, the issue has to be, whether or not it relates to the educational process or whether it tends to disrupt school discipline and administration.

"In connection with that also, of course, are providing some procedures to try to get those things resolved within the school rather than encouraging anybody to go to court."

Senators Matson, Clarke and Metcalf demanded the previous question and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be Engrossed Senate Bill No. 98 on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 98 and the bill failed to pass the Senate by the following vote: Yeas, 14; nays, 31; absent or not voting, 1; excused 3.

Voting yea: Senators Bailey, Connor, Elicker, Francis, Gardner, Greive, Metcalf, Murray, Ridder, Sandison, Stortini, Talley, Washington, Wilson—14.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Fleming, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Scott, Stender, Twigg, Walgren, Whetzel, Woodall—31.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Foley, Herr, Peterson (Ted)—3.

ENGROSSED SENATE BILL NO. 98, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Stender served notice that he would, at the proper time, move that the Senate reconsider the vote by which Engrossed Senate Bill No. 98 failed to pass the Senate.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of the Washington State Wheat Queen, Christie Janet of Reardon, Washington and appointed a special committee consisting of Senators Jolly, Huntley, Canfield and Donohue to escort Queen Christie to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit the Queen to address the Senate.

The committee of honor escorted the honored guest from the Senate Chamber.

#### SECOND READING

SENATE BILL NO. 821, by Senators Stender, Peterson (Lowell) and Elicker:

Providing that islands may be incorporated as cities.

The bill was read the second time by sections.

On motion of Senator Stender, the following amendment was adopted:

On page 1, section 1, line 3, before "island" strike "Any" and insert "Notwithstanding any other provision of law, any"

On motion of Senator Stender, the rules were suspended, Engrossed Senate Bill No. 821 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. 821 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators McCutcheon, Talley—2.

Excused: Senators Foley, Herr, Peterson (Ted)—3.

ENGROSSED SENATE BILL NO. 821 having received the 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. 262, by Senators Donohue and Knoblauch (by departmental request):

Implementing law relating to that tax on cigarettes, the proceeds from which go into the school building bond redemption fund.

#### REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 262, implementing law relating to that tax on cigarettes, the proceeds from which go into the school building bond redemption fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Following section 1 add a new section as follows:

**NEW SECTION. Sec. 2.** This 1971 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: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Gissberg, Guess, Huntley, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Washington, Wilson.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendment was adopted.

On motion of Senator Durkan, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "28A.47.440" insert "; and declaring an emergency"

On motion of Senator Durkan, Engrossed Senate Bill No. 262 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 Mardesich: "Will Senator Durkan yield? Senator, this question summarized in one capsule word is, preceded by a few comments, how do we know whether it is necessary to do this without having some idea of what that budget is going to be? How do we know that the expenditures which the Governor has given to us in the recommended budget, one which he terms balanced which is out of balance in my opinion to the tune of three hundred and fifty million dollars or thereabouts, how do we know that all these things are necessary without having a final look at what we are going to do with our budget?"

"Now it has been said that this is a very austere budget and that all these series of acts, some thirty or thirty-five that the Governor has proposed relating to this same type of thing, transferring of monies from one reporting period into another, bills such as this, the tax increase he has proposed, how do we know that all these things are going to be necessary and why should we start with this particular bill at this time instead of taking all of those measures as a package at one time?"

Senator Durkan: "Members of the Senate, it is quite obvious to me as chairman of the Senate Ways and Means Committee that all the measures that the Governor has proposed are going to be necessary to balance this budget and in addition to that, the chairman of the Senate Ways and Means Committee is going to propose a few more.

"These transfers, while many of us who have dealt in the fiscal field are not the type of balancing procedures we would like to use, are an attempt to avoid a general increase in taxes. Whether or not we are going to be able to do that with these transfers, I do not know but without the transfers I can assure you that there would have to be a substantial increase in the amount of taxes. I do not particularly subscribe to the views of this budget and the method by which it is being balanced but at the same time, being perfectly honest about it, I recognize that unless we do use these bookkeeping measures which were initiated by one of our governors, that we are going to have a substantial tax bill before us."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 262, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senator Francis—1.

Absent or not voting: Senators McCutcheon, Talley—2.

Excused: Senators Foley, Herr, Peterson (Ted)—3.

ENGROSSED SENATE BILL NO. 262, having received the constitutional 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 12:40 p.m., on motion of Senator Greive, the Senate recessed until 2:20 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:20 p.m.

MOTION

On motion of Senator Bailey, Senators McCutcheon and Talley were excused.

SECOND READING

SENATE BILL NO. 263, by Senators Donohue and Knoblauch (by departmental request):

Changing funding of veterans' bonuses.

REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 263, changing funding of veterans' bonuses (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

Following section 1, add a new section as follows:

"NEW SECTION. Sec. 2. This 1971 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: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Gissberg, Guess, Huntley, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Washington, Wilson.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendment was adopted.

On motion of Senator Durkan, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "RCW 73.32.130" insert "; and declaring an emergency"

On motion of Senator Durkan, the rules were suspended, Engrossed Senate Bill No. 263 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. 263, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Excused: Senators Foley, Herr, McCutcheon, Peterson (Ted), Talley—5.

ENGROSSED SENATE BILL NO. 263, having received the 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. 614, by Senators Day, Cooney, Peterson (Ted) and Newschwander:

Providing vision health care services.

The bill was read the second time by sections.

On motion of Senator Holman the following amendment was adopted:

On page 2, section 3, line 5, after "ophthalmologist" and before the comma insert "within their respective statutory and professional functions"

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

On page 2, section 3, line 8, after "and manner" and before the colon insert "for similar services"

Senator Holman moved adoption of the following amendment:

On page 2, section 3, line 10, after "individual" and before the period insert "PROVIDED, That optometrists may not perform medical and surgical services"

## POINT OF INQUIRY

Senator Day: "Mr. President, would Senator Holman yield? Senator, the way I understand this amendment now, what is your interpretation of the term 'medical'?"

Senator Holman: "I am not sure I can identify everything that is medical but what I have in mind is dilation of the eye."

Senator Day: "The intent of this amendment then is that they do not do any dilating of the eye?"

Senator Holman: "That is right."

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

On motion of Senator Holman, the following amendment was adopted:

On page 2, section 5, line 21, after "for" and before "damages" strike "treble"

Senators Day, Knoblauch and Newschwander 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 Senators Foley, Herr, McCutcheon, Peterson (Ted) and Talley.

On motion of Senator Day, the rules were suspended and Senators Andersen, Dore and Atwood were excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 614 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. 614 and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; excused, 8.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Voting nay: Senators Clarke, McDougall, Twigg—3.

Excused: Senators Andersen, Atwood, Dore, Foley, Herr, McCutcheon, Peterson (Ted), Talley—8.

ENGROSSED SENATE BILL NO. 614, having received the constitutional 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 Greive, Senate Bill No. 690 was ordered to hold its place on the second reading calendar for Monday, April 5, 1971.

ENGROSSED HOUSE BILL NO. 645, by Representatives Cunningham, Conner and Amen:

Providing for distribution of moneys from penalty assessments to traffic safety education account.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 645, 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 on Engrossed House Bill No. 645, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Excused: Senators Foley, Herr, McCutcheon, Peterson (Ted), Talley—5.

ENGROSSED HOUSE BILL NO. 645, having received the constitutional 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 Greive, Engrossed Senate Joint Resolution No. 22 was ordered to hold its place on the third reading calendar for Monday, April 5, 1971.

## THIRD READING

ENGROSSED SENATE BILL NO. 232, by Senators Ridder, Keefe and Stender:

Providing for the binding determination by mediation and arbitration of labor disputes between unformed personnel and their public employers.

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. 232, and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; excused, 5.

Voting yea: Senators Andersen, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Henry, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Walgren, Washington—29.

Voting nay: Senators Atwood, Bailey, Canfield, Clarke, Gissberg, Guess, Holman, Huntley, Metcalf, Murray, Scott, Twigg, Whetzel, Wilson, Woodall—15.

Excused: Senators Foley, Herr, McCutcheon, Peterson (Ted), Talley—5.

ENGROSSED SENATE BILL NO. 232, having received the 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 Greive, Engrossed Senate Bill No. 232 was ordered immediately transmitted to the House.

On motion of Senator Wilson, Senate Bill No. 176 was ordered to hold its place on the third reading calendar for Saturday, April 3, 1971.

SENATE BILL NO. 269, by Senators Donohue, Woodall and Durkan:  
Pertaining to fire district levies.

## MOTIONS

On motion of Senator Gissberg, the rules were suspended and Senate Bill No. 269 was returned to second reading.

On motion of Senator Gissberg, the following amendment was adopted:

On page 2, section 1, line 9, add a new section to read as follows:

"Sec. 2. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 2, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all taxable property located in such district not to exceed two mills: PROVIDED, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed four mills. *Levies in excess of four mills or in excess of aggregate millage limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052.* Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district."

Re-number succeeding section.

On motion of Senator Gissberg, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "district;" and before "adding" strike "and" and insert "amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 2, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.130; and"

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 269, 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. 269, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-44.

Excused: Senators Foley, Herr, McCutcheon, Peterson (Ted), Talley-5.

ENGROSSED SENATE BILL NO. 269, having received the 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 (Lowell), the Senate returned to the sixth order of business.

On motion of Senator Peterson (Lowell), the Committee on Natural Resources, Fisheries and Game was relieved of further consideration of House Bill No. 1034.

On motion of Senator Peterson (Lowell), House Bill No. 1034 was referred to the Committee on Ways and Means.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 3:15 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Saturday, April 3, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-THIRD DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, April 3, 1971.

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 Foley, Keefe, Herr, Matson and Newschwander. On motion of Senator McDougall, Senators Matson and Newschwander were excused. On motion of Senator Peterson (Lowell), Senators Foley, Herr and Keefe were excused.

The Color Guard, consisting of Pages Jay Fuller, Color Bearer, and Barb Worley, presented the Colors. Reverend Charles A. Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered prayer as follows:

"Almighty God and Father by whom our nation has been established in freedom and our State preserved in union: we thank You for the bipartisan system whereby our differences can be resolved in a democratic way. Grant that this day's work may confirm the wisdom of our two-party government. Be with the Senators as they struggle with the imponderables of the issues before them. May their common political instinct be a sure guide in dealing with problems too complex or too remote to be fully understood now. And be in a special way with their families who on this weekend must forego the togetherness that is the making of a home. Amen."

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

### REPORTS OF STANDING COMMITTEES

April 1, 1971.

SENATE BILL NO. 416, enacting the pressure systems safety act (reported by Committee on Rules and Joint Rules which recommends that the bill be referred to Committee on Labor and Industrial Insurance):

Signed by: John A. Cherberg, Chairman; Senators Andersen, Bailey, Guess, Henry, Peterson (Ted), Ridder, Stender, Woodall.

There being no objection, Senate Bill No. 416 was referred to the Committee on Labor and Industrial Insurance.

April 2, 1971.

HOUSE BILL NO. 270, exempting agency vendors of liquor from civil service (reported by Committee on Rules and Joint Rules which recommends that the bill be referred to Committee on State Government):

Signed by: John A. Cherberg, Chairman; Senators Andersen, Atwood, Bailey, Guess, Henry, Knoblauch, Peterson (Ted), Ridder, Stender, Woodall.

There being no objection, House Bill No. 270 was referred to the Committee on State Government.

### GUBERNATORIAL APPOINTMENTS

March 9, 1971.

WALT WOODWARD, to the position of Member of the Pollution Control Hearing Board, appointed by the Governor on July 31, 1970 for the term ending July 1, 1976 (reported by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Newschwander, Odegard, Woodall.

Passed to Committee on Rules and Joint Rules.

March 9, 1971.

JAMES T. SHEEHY, to the position of Member of the Pollution Control Hearing Board, appointed by the Governor on July 31, 1970 for the term ending July 1, 1974 (reported by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommends that said appointment be confirmed.  
Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules.

March 9, 1971.

MATTHEW HILL, to the position of Member of the Pollution Control Hearing Board, appointed by the Governor on July 31, 1970 for the term ending July 1, 1972 (reported by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommends that said appointment confirmed.  
Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules.

March 9, 1971.

SANFORD THAL, to the position of Member of the Washington State Pharmacy Board, appointed by the Governor on January 21, 1971 for the term ending January 21, 1975 succeeding himself (reported by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommends that said appointment confirmed.  
Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Keefe, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules.

MESSAGES FROM THE HOUSE

April 2, 1971.

Mr. President: The House has adopted:  
HOUSE CONCURRENT RESOLUTION NO. 12,  
HOUSE CONCURRENT RESOLUTION NO. 14,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 2, 1971.

Mr. President: The House has passed: SENATE BILL NO. 918, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 2, 1971.

Mr. President: The House has passed:  
SUBSTITUTE HOUSE BILL NO. 47,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 142,  
ENGROSSED HOUSE BILL NO. 167,  
ENGROSSED HOUSE BILL NO. 305,  
SUBSTITUTE HOUSE BILL NO. 340,  
ENGROSSED HOUSE BILL NO. 346,  
HOUSE BILL NO. 437,  
HOUSE BILL NO. 438,  
ENGROSSED HOUSE BILL NO. 462,  
HOUSE BILL NO. 532,  
HOUSE BILL NO. 544,  
HOUSE BILL NO. 684,  
ENGROSSED HOUSE BILL NO. 694,  
ENGROSSED HOUSE BILL NO. 697,  
HOUSE BILL NO. 708,  
HOUSE BILL NO. 738,  
HOUSE BILL NO. 753,  
SUBSTITUTE HOUSE BILL NO. 762,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 772,  
ENGROSSED HOUSE BILL NO. 774,  
SUBSTITUTE HOUSE BILL NO. 781,  
HOUSE BILL NO. 918,  
ENGROSSED HOUSE BILL NO. 927,  
HOUSE BILL NO. 979,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,  
ENGROSSED HOUSE BILL NO. 1046,  
HOUSE BILL NO. 1060,  
HOUSE BILL NO. 1070,  
HOUSE BILL NO. 1085,

HOUSE JOINT MEMORIAL NO. 7.

HOUSE JOINT MEMORIAL NO. 16.

ENGROSSED HOUSE JOINT RESOLUTION NO. 21.

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 15, by Senators Washington, Huntley and Henry: Petitioning for certain funds claimed by the state of Washington from the United States for compliance with outdoor advertising control along certain segments of the interstate highway.

On motion of Senator Washington, the rules were suspended, Senate Joint Memorial No. 15 was advanced to second reading and read the second time in full.

Debate ensued.

### MOTION

On motion of Senator Atwood, Senate Joint Memorial No. 15 was made a special order of business at 11:00 a.m. today.

SUBSTITUTE HOUSE BILL NO. 47, by Committee on Local Government:

Defining and providing a method for dissolution of inactive port districts.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 142, by Committee on Local Government:

Providing for approval by a county legislative authority of certain action by a sewer or water district.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 167, by Representatives Gallagher, Van Dyk and Perry:

Providing for dissemination of tax petition information.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 305, by Representatives Ceccarelli, Lynch, Bagnariol, Maxie, Farr, Bottiger, Backstrom, Chatalas, Conway, Cunningham, Hoggins, Merrill and Randall:

Amending the law relating to child abuse.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 340, by Committee on Local Government:

Increasing the membership on boards of fire commissioners to five in certain districts.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 346, by Representatives Copeland, Grant and Cunningham:

Implementing leave provisions for school district employees.

Referred to Committee on Education.

HOUSE BILL NO. 437, by Representatives Bagnariol, Barden and Kilbury (by State Auditor request):

Providing for designation of fiscal agencies by counties, cities, towns and port or school districts.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 438, by Representatives Kopet, Barden, Amen and Kilbury (by State Auditor request):

Permitting counties smaller than first class to establish a salary fund and permitting any county to establish a claims fund.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 462, by Representative Bluechel (by Secretary of State request):

Amending the code of ethics for public officials.

Referred to Committee on State Government.

HOUSE BILL NO. 532, by Representatives Hansey, Conner and Zimmerman:

Controlling introduction of new species of fish into the state.

Referred to Committee on Natural Resources, Fisheries and Game.

HOUSE BILL NO. 544, by Representatives Charnley, Kiskaddon and Williams:

Relating to unconventional automobile propulsion systems.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE BILL NO. 684, by Representatives Zimmerman, Backstrom and Berentson:

Requiring that certain insurance contracts include psychological service.

Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 694, by Representatives Paris, Marsh, Kirk and Thompson:

Providing that the aid of specialists may be ordered by family courts.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 697, by Representatives Benitz, Haussler, Hubbard, Eikenberry and Hatfield:

Increasing penalty for criminal property damage in excess of seventy-five dollars.

Referred to Judiciary Committee.

HOUSE BILL NO. 708, by Representatives Thompson, Smythe and Merrill:

Providing that any PUD may sell its water system without voter approval.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 738, by Representative Haussler:

Changing the name of the Washington State Association of County Commissioners to the Washington State Association of Counties.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 753, by Representatives Smythe, Kopet, Kiskaddon, Brown and Gilleland:

Requiring that each utility service charge be separately stated on customer bills.

Referred to Committee on Cities, Towns and Counties.

SUBSTITUTE HOUSE BILL NO. 762, by Committee on Social and Health Services:

Providing for preplacement studies of prospective adoptive parents.

Referred to Committee on Public Institutions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 772, by Committee on Natural Resources and Ecology:

Requiring permits for certain fires to control air pollution.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 774, by Representative Bluechel:

Relating to the operation and administration of state government.

Referred to Committee on Constitution, Elections and Legislative Processes.

**SUBSTITUTE HOUSE BILL NO. 781**, by Committee on Natural Resources and Ecology:

Requiring personal commercial fishing licenses.

Referred to Committee on Natural Resources, Fisheries and Game.

**HOUSE BILL NO. 918**, by Representatives Perry and Cunningham:

Providing that members of the governing boards of state agencies are within the conflict of interest statute.

Referred to Committee on State Government.

**ENGROSSED HOUSE BILL NO. 927**, by Representatives Zimmerman, Kraabel, Moon, Thompson, Paris and May:

Regulating the use of asbestos in manufacturing and construction.

Referred to Committee on Commerce and Regulatory Agencies.

**HOUSE BILL NO. 979**, by Representatives Thompson, North and Van Dyk:

Providing that attorney general be notified of any civil action concerning water, shorelands or tidelands.

Referred to Judiciary Committee.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041**, by Committee on Local Government:

Providing for television reception improvement districts.

Referred to Committee on Cities, Towns and Counties.

**ENGROSSED HOUSE BILL NO. 1046**, by Representatives Curtis and Haussler:

Providing changes in the taxing limits and bonding authority of public hospital districts.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

**HOUSE BILL NO. 1060**, by Representatives Kraabel, Thompson, Smythe, Zimmerman, Goldsworthy and Charnley:

Providing for trails along the public highways of this state.

Referred to Committee on Transportation.

**HOUSE BILL NO. 1070**, by Representatives Kopet and Smythe:

Providing for bonding of local improvement district projects.

Referred to Committee on Cities, Towns and Counties.

**HOUSE BILL NO. 1085**, by Representatives Wolf, Copeland, O'Brien, May, Haussler, Newhouse, Berentson, Jueling, Moon, Bledsoe, Charette, Harris, Bottiger, Eikenberry, Gladder, Jones, Kuehnle, Pardini and Paris:

Providing for legislative review of administrative rules.

Referred to Judiciary Committee.

**HOUSE JOINT MEMORIAL NO. 7**, by Representatives Jastad, Smith, Thompson, Haussler, Anderson, Marzano, Martinis, Adams, Backstrom and McCormick:

Memorializing Congress to turn Cispus Job Corps camp over to superintendent of public instruction.

Referred to Committee on Education.

**HOUSE JOINT MEMORIAL NO. 16**, by Representatives North, Martinis, Hansey, Charette and Costanti:

Petitioning the U. S. government to protect the interests of west coast fishermen.

Referred to Committee on Natural Resources, Fisheries and Game.



ENGROSSED HOUSE JOINT RESOLUTION NO. 21, by Representatives Smythe, Haussler, North, Bauer, Blair, Litchman, Marsh and May (by Legislative Council request):

Proposing constitutional amendment authorizing new form of "city-county" government in lieu of present "city and county government."

Referred to Committee on Cities, Towns and Counties.

HOUSE CONCURRENT RESOLUTION NO. 12, by Representatives Douthwaite, Charnley, Van Dyk, Williams, Lysen, Grant, Chatalas, Bradley, Shinpoch, King, McDermott, Kilbury, Knowles and Bauer:

Directing the legislative council to study oil spills and supertankers.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

HOUSE CONCURRENT RESOLUTION NO. 14, by Representatives Kopet, Backstrom and Lynch:

Directing study of faculty tenure.

Referred to Committee on Higher Education and Libraries.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and Senator Stender having given prior notice, Senator Fleming moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 98 failed to pass the Senate.

#### POINT OF ORDER

Senator Atwood: "Can Senator Fleming make the motion? He was not the member who gave the notice."

#### RULING BY THE PRESIDENT

The President: "The President believes that inasmuch as Senator Fleming voted upon the prevailing side that he can move to reconsider."

Senator Atwood: "Is it the ruling of the Chair that any member, after notice is given, may make the motion?"

The President: "Yes, Senator Atwood."

Further debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Francis yield? Would you mind telling the purpose of your amendment? Would you mind telling what the amendment is going to be?"

Senator Francis: "Senator Canfield, at least section 5 would be stricken. It is certainly my intention that section 5 be stricken out of the bill. Senator Holman, Senator Gissberg and numerous others have told me that that would satisfy them. I am not sure that would satisfy Senator Stender and I am not sure that will be enough but I can assure you that I will so move that section 5 be taken out since that raised most of the doubts. I think this is something we are going to have to try to work out between now and Tuesday, though, and we simply want to have a chance to put it together."

The motion by Senator Fleming carried.

#### MOTIONS

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 98 was returned to second reading.

On motion of Senator Francis, Engrossed Senate Bill No. 98 was ordered held on the second reading calendar for Tuesday, April 6, 1971.

#### THIRD READING

SENATE BILL NO. 176, by Senators Wilson, Huntley and Peterson (Lowell):

Allowing municipal officers to contract with that municipality for up to thirty-six hundred dollars of business annually.

## MOTIONS

On motion of Senator Whetzel, the rules were suspended, Senate Bill No. 176 was returned to second reading.

On motion of Senator Whetzel, Senate Bill No. 176 was ordered placed at the end of the second reading calendar for today.

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

## SECOND READING

SENATE BILL NO. 862, by Senators Atwood and Mardesich (by State Treasurer request):

Implementing law relating to issuance of state warrants.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, Senate Bill No. 862 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 Mardesich: "Senator Atwood, would you look to line 26, page 1? Is that any conflict with what attempts to be done in section 1?"

Senator Atwood: "No, I do not think so. You are talking about the legal interest from and including that date until five days. The five days was formerly ten. Section 1 is five days from and after the date of the first publication of the call."

Senator Mardesich: "Legal interest would apply for that other period or what? Let them figure it out?"

Senator Atwood: "No, they set the interest rate, the treasurer does."

Senator Mardesich: "Then that would become the legal rate?"

Senator Atwood: "No, for those particular warrants that he has already issued. I do not think it is conflict, Senator."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 862, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Cooney, Dore, Gissberg, McCutcheon, Peterson (Ted)—5.

Excused: Senators Foley, Herr, Keefe, Matson, Newschwander—5.

SENATE BILL NO. 862, having received the 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. 545, by Senators Peterson (Lowell), Peterson (Ted) and Durkan: Establishing the state environmental policy.

The bill was read the second time by sections.

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 545 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. 545, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Voting nay: Senator McDougall—1.

Absent or not voting: Senators Dore, McCutcheon—2.

Excused: Senators Cooney, Foley, Herr, Keefe, Matson, Newschwander—6.

SENATE BILL NO. 545, having received the 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 Woodall, Senate Bill No. 72 was ordered to hold its place on the second reading calendar for Monday, April 5, 1971.

On motion of Senator Woodall, Senate Bill No. 59 was ordered to hold its place on the second reading calendar for Monday, April 5, 1971.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 918.

SENATE BILL NO. 553, by Senators Day and Twigg:

Providing for the placement and care of adjudicated delinquents.

## MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 553 was substituted for Senate Bill No. 553, 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. 553 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Gissberg: "Senator Day, would you yield? Let us assume that a court of law, a juvenile court, has made the adjudication that a child is delinquent. Of course, there is no showing of any kind that the parents have mistreated or maltreated the child or neglected the child but simply a finding that because of the child's own conduct he perhaps has been found to be delinquent. Then this bill would give the department of social and health services absolute power then to take that child from his parents and place the child with somebody else?"

Senator Day: "No, as I understand it the court is the one that adjudicates and directs where the child should go."

Senator Gissberg: "If I thought that were the case there would not be any problem but if you look at section 1, the department of social and health services may place any child adjudicated delinquent. So it is the department that actually places the child. Now section 2 says the court can do it which is fine, but I have some trepidation about giving to the department that broad authority without going to the court that has made that adjudication of delinquency in the first instance and procuring the approval of the court for placing that child."

Senator Day: "I would have no objection to an amendment which would make the department act in concert with the court. The court has already adjudicated him delinquent."

As I understand your concern, Senator, it is that after he has been adjudicated delinquent that the first section would then give the department the sole right possible to. . . .”  
 Senator Gissberg: “Yes it would, and I am trying to see how the amendment would fit in.”

#### MOTIONS

On motion of Senator Gissberg, the rules were suspended and Substitute Senate Bill No. 553 was returned to second reading.

On motion of Senator Gissberg, the following amendment was adopted:

On page 1, section 1, line 7, after “may” insert “subject to prior approval by the appropriate court”

On motion of Senator Gissberg, the rules were suspended, Engrossed Substitute Senate Bill No. 553 was advanced to third reading, the second 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. 553, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Cooney, Foley, Herr, Keefe, Matson, Newschwander—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 553, having received the 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 HOUSE BILL NO. 166, by Representatives Bottiger, Wolf, Gallagher, Backstrom, Barden, Brouillet, Ceccarelli, Hoggins and Litchman:

Requiring persons assessing real property to meet certain standards of training and experience and pass an examination.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 166 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. 166, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Lewis, McCutcheon, Talley—3.

Excused: Senators Cooney, Foley, Herr, Keefe, Matson, Newschwander—6.

ENGROSSED HOUSE BILL NO. 166, having received the 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

SENATE JOINT MEMORIAL NO. 15, by Senators Washington, Huntley and Henry:

Petitioning for certain funds claimed by the state of Washington from the United States for compliance with outdoor advertising control along certain segments of the interstate highway.

The time having arrived, the Senate resumed consideration of Senate Joint Memorial No. 15 on second reading.

On motion of Senator Washington, the rules were suspended, Senate 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 Senate Joint Memorial No. 15 and the memorial passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Lewis, McCutcheon—2.

Excused: Senators Cooney, Foley, Herr, Keefe, Matson, Newschwander—6.

SENATE JOINT MEMORIAL NO. 15, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Greive, Senate Bill No. 682 was ordered held at the end of the second reading calendar for today.

SENATE BILL NO. 842, by Senator Walgren:

Exempting professional personal services from bid requirements when dealing with cities and towns.

The bill was read the second time by sections.

On motion of Senator Walgren, the following amendment by Senators Walgren and Wilson was adopted:

On page 2, section 1, line 30, amend line 30 and 31 to read as follows:

“any purchase of supplies, materials, equipment or services, other than professional services, for public work or improvement, where the cost”

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 842 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Francis, the rules were suspended and Engrossed Senate Bill No. 842 was returned to second reading.

On motion of Senator Francis, the following amendment to the amendment was adopted:

Amend the amendment by Senators Walgren and Wilson as follows:

Following the word “professional” and before “services” insert “personal”

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 842 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. 842, and

the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 28; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Connor, Cooney, Donohue, Dore, Francis, Gissberg, Greive, Henry, Holman, Jolly, Mardesich, Peterson (Lowell), Sandison, Talley—15.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Day, Durkan, Elicker, Fleming, Gardner, Guess, Huntley, Knoblauch, Lewis, McDougall, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortini, Twigg, Walgren, Washington Wetzell, Wilson, Woodall—28.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Foley, Herr, Keefe, Matson, Newschwander—5.

ENGROSSED SENATE BILL NO. 842, having failed to receive the constitutional majority, was declared lost.

ENGROSSED HOUSE BILL NO. 248, by Representatives Bottiger, Haussler, North, Merrill, Shera, Wojahn, Maxie, Randall, Bluechel, Kraabel, Cunningham, Blair, Rabel, Grant, Williams, Douthwaite and Paris (by executive request):

Permitting county road millage funds to be used for other services in unincorporated area of county.

#### MOTION

Senator Stender moved the consideration of Engrossed House Bill No. 248 be indefinitely postponed.

Debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "Senator Bailey, would you please yield to a question? I just want to get on the record if I may a restatement of testimony you gave a moment ago. I want to get in the record your answer to this question. What is the attitude of the county commissioners on this bill?"

Senator Bailey: "Senator, there is mixed attitude on this bill. I would say that half of the commissioners are for it and half of them are against it. I come from two counties, one of them all three county commissioners are against it and the county engineer is for it. In the other county, three county commissioners are for it and the county engineer is against it, so I am tied, four to four. The ones that are against it only tell me this, they are only against it because they are afraid the pressure is going to be on them to spend the money. Now I just still reiterate the fact that they are elected people. If they cannot stand the pressure maybe they ought to let somebody come in the court house that can take it."

Senators Talley, Peterson (Lowell) and Bailey demanded the previous question.

#### POINT OF ORDER

Senator Stender: "The previous question should not be applied to a motion of reconsideration. Equal motions."

#### RULING BY THE PRESIDENT

The President: "The President believes that your point of order is not well taken, Senator Stender."

Senator Stender demanded a roll call and the demand was sustained by Senators Greive, Sandison, Peterson (Ted), Metcalf, Scott, Connor, Ridder, Wilson and Canfield.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Stender to indefinitely postpone consideration of Engrossed House Bill No. 248 failed by the following vote: Yeas, 7; nays, 35; absent or not voting, 2; excused, 5.

Voting yea: Senators Cooney, Day, Guess, Jolly, Stender, Talley, Twigg—7.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue,

Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Henry, Holman, Huntley, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel, Wilson and Woodall—35.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Foley, Herr, Keefe, Matson, Newschwander—5.

The bill was read the second time by sections.

Senator Talley moved adoption of the following amendment:

On page 1, section 1, line 7, after "millage" and before "for" insert "not to exceed two mills"

Debate ensued.

The motion lost and the amendment was not adopted.

Senator Talley moved adoption of the following amendment:

On page 2 following section 5, add a new section to read as follows:

"NEW SECTION. Sec. 6. The provisions of this 1971 amendatory act shall expire two years after its enactment at which time any sections repealed by section 4 of this act shall revive."

Debate ensued.

The motion lost on a rising vote and the amendment was not adopted.

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 248 was advanced to third reading, on a rising vote, 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. 248, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Holman, Huntley, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Walgren, Washington, Whetzel, Woodall—32.

Voting nay: Senators Canfield, Cooney, Day, Guess, Jolly, Knoblauch, Stender, Stortini, Talley, Twigg, Wilson—11.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Foley, Herr, Keefe, Matson, Newschwander—5.

ENGROSSED HOUSE BILL NO. 248, having received the 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 that the Senate reconsider the vote by which Engrossed House Bill No. 248 passed the Senate.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed House Bill No. 248 passed the Senate.

The motion carried on a rising vote.

Debate ensued.

Senators Peterson (Lowell), Talley and Whetzel demanded the previous question and the demand was sustained.

The President declared the question to be the final passage of Engrossed House Bill No. 248.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 248 and the bill passed the Senate on reconsideration by the following vote: Yeas, 30; nays, 13; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Holman, Huntley, Lewis, McDougall, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Washington, Whetzel, Woodall—30.

Voting nay: Senators Canfield, Cooney, Day, Guess, Jolly, Knoblauch, Mardesich, Stender, Stortini, Talley, Twigg, Walgren, Wilson—13.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Foley, Herr, Keefe, Matson, Newschwander—5.

ENGROSSED HOUSE BILL NO. 248, having received the 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 HOUSE BILL NO. 300, by Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request):

Relating to right of entry by department of natural resources employees.

## REPORT OF STANDING COMMITTEE

March 17, 1971.

ENGROSSED HOUSE BILL NO. 300, relating to right of entry by department of natural resources employees (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 13 of the printed and engrossed bill after "*premises*" and before "*in*" insert "*except the dwelling house or appurtenant buildings*" Amend the House Committee Amendment by the Committee on Natural Resources and Ecology on page 1, section 1, line 17, being page 1, section 1, line 17 of the engrossed bill, after "*after*" and before "*notice*" insert "*five days written*"

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the committee amendments were adopted.

## POINT OF INQUIRY

Senator Canfield: "Mr. President, before we advance this, would Senator Peterson (Lowell) yield to a question? Senator, in reading this bill it appears to restrict its authority to section 76 which has to do with the lands and properties of the department of natural resources. First, is that correct?"

Senator Peterson (Lowell): "No, that is not my interpretation. It is both public and private for right of entry for the purposes of examinations and surveys."

Senator Canfield: "Then you are opening up this authority to enter into any private property of whatever kind?"

Senator Peterson (Lowell): "This is true. With five days' written notice to the property owner."

Senator Canfield: "I just checked with our caucus attorney and he says that is not correct in his opinion. I would like to have that corrected because if we are allowing the right of entry into all private property of all kinds whatsoever, I think we had better take a look at this bill. It was my understanding it was restricted to the department of natural resources."

Senator Peterson (Lowell): "The bill reads on line 11, 'in this state, whether public or private'. I do not know how you could take any other interpretation."

## MOTIONS

On motion of Senator Peterson (Lowell), Engrossed House Bill No. 300 was ordered held on the second reading calendar for Monday, April 5, 1971.



At 12:15 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, April 5, 1971.

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

## TWENTY-FIFTH DAY

### NOON SESSION

Senate Chamber, Olympia, Wash., Monday, April 5, 1971.

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 Dore and Gissberg. On motion of Senator Keefe, Senators Dore and Gissberg were excused.

The Color Guard, consisting of Pages Tony Marty, Color Bearer, and Evonne Latta, presented the Colors. Doctor Henry S. Rahn, pastor of First Baptist Church of Olympia, offered prayer as follows:

"Eternal God our Father, Thou comest to meet us along many paths, in the beauty and bounty of each new day, in the comradeship of friends, in every glimpse of truth, in every call of duty, in every stirring of sympathy and concern within our hearts. Thou comest yet more clearly and movingly as we seek an encounter with Thee. Before Thee we offer ourselves afresh for the duties for which we have been chosen. Show us Thy way for us. Direct our every thought and action as we give ourselves to the tasks before us. In our Master's name we pray. Amen."

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

### PERSONAL PRIVILEGE

Senator Foley: "Mr. President and members of the Senate, I wish to thank all of you for your many kindnesses and words of sympathy expressed during this past week after the death of my mother. I thank you from the bottom of my heart."

### REPORTS OF STANDING COMMITTEES

March 23, 1971.

SENATE BILL NO. 678, amending the optional municipal code (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: That Substitute Senate Bill No. 678 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Mardesich, McDougall, Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

SENATE BILL NO. 878, authorizing amusement games at agricultural fairs (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Donohue, Huntley, Knoblauch, McDougall, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

SENATE JOINT MEMORIAL NO. 12, regarding medical and health care (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 12 be substituted therefor and that the substitute memorial do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

ENGROSSED HOUSE BILL NO. 52, regulating the production and marketing of milk (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Donohue, Huntley, Knoblauch, McDougall, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

ENGROSSED HOUSE BILL NO. 90, relating to educational opportunities for all handicapped children (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

ENGROSSED HOUSE BILL NO. 766, removing a fire protection district commissioner for failure to attend meetings (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Dore, Elicker, McDougall, Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGE FROM THE GOVERNOR

Office of the Governor, April 3, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has approved the following Senate Bills, entitled:

SENATE BILL NO. 163: Providing for acceptance of ID besides the Washington State Liquor ID card;

SENATE BILL NO. 219: Providing authority for first class cities to exchange property for park purposes;

SENATE BILL NO. 249: Adopting a uniform law on the rendition of accused persons;

SENATE BILL NO. 515: Clarifying property tax exemption for nursery stock;

SENATE BILL NO. 857: Making changes in the law pertaining to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law.

Sincerely,

CHARLES B. WIGGINS  
Legislative Counsel.

### MESSAGES FROM THE HOUSE

April 3, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 645, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 3, 1971.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 869, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

April 5, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 166,  
 HOUSE BILL NO. 248,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

INTRODUCTION AND FIRST READING

REENGROSSED HOUSE BILL NO. 869, by Representative Gladder:  
 Providing for licensing of hotels and motels.  
 Referred to Committee on Commerce and Regulatory Agencies.

MOTIONS

On motion of Senator McDougall, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Friday, April 9, 1971.

The motion was amended by Senator Mardesich to include that should a cutoff date be established before Friday, April 9, 1971, Senate Bill No. 635 would be considered prior to that time.

On motion of Senator Greive, Senate Bill No. 690 was ordered to holds its place on the second reading calendar for Wednesday, April 7, 1971.

On motion of Senator Mardesich, Senate Bill No. 59 was ordered held following consideration of Senate Bill No. 353 on today's calendar.

On motion of Senator Greive, Senate Bill No. 72 was ordered returned to the Committee on Rules and Joint Rules.

On motion of Senator Peterson (Lowell), Engrossed House Bill No. 300 was ordered placed on the calendar following consideration of Senate Bill No. 817.

SECOND READING

SENATE BILL NO. 372, by Senators Ridder, Canfield and Stortini:  
 Establishing a state recreation and fire protection trail system.

On motion of Senator Wilson, Substitute Senate Bill No. 372 was substituted for Senate Bill No. 372 and the substitute bill was placed on second reading and read the second time in full.

Senator Ridder moved adoption of the following amendment:

On page 2, section 3, line 31, strike "*access to and along private utility rights of way,*"  
 Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Will Senator Ridder yield to a question? Did I understand you to say that there was general agreement to have these used for recreational use in the immediate future?"

Senator Ridder: "Yes, the idea of the bill was to encourage the use of these and the way the bill is written perhaps is just a little too strong. The encouragement is still there and the methodology will be carried out and it will be done but it will not be in the law."

Further debate ensued.

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

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 372 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: "Mr. President, would Senator Ridder yield? Senator, in section 23 it says all-terrain vehicles as used in this 1971 amendatory act shall include snowmobiles unless the 1971 legislature specifically provides for the registration and regulation of snowmobiles."

Senator Ridder: "Right."

Senator Guess: "As you know, Senate Bill No. 156 has passed the Senate and is on the House calendar today. I understand from you that this will have nothing to do with the provisions contained in Senate Bill No. 156 in the event that the bill passes and is signed by the Governor."

Senator Ridder: "Absolutely. We drew this bill around snowmobiles. We have no intent whatsoever to have anything to do with the snowmobiles except in the event that if your snowmobile bill lost and did not get through, this would then cover it but if your snowmobile bill passes, this then effectively just works around it."

Senator Guess: "One more question, Senator. In the section which has to do with the description of the outlining and describing what an all-terrain vehicle is, section 7 does not mention that I have been able to find, the word 'snowmobile' and I just want to make sure that the body understands when passing this that it does not have anything to do with snowmobiles."

Senator Ridder: "Right. It was not our intention. Snowmobiles travel on snow and not on dirt and our idea is to provide more miles of dirt trail and that is quite a different situation."

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Ridder yield? Senator, I have two or three questions I would like to ask for the purpose of placing your reply in the record as a matter of helping to establish legislative intent with respect to the passage of this bill.

"My first question I think you have already covered in your preliminary remarks but is it not our intent that the revenues which would be derived under this bill through a license fee on four-wheel drive and two-wheel drive trail vehicles will be used substantially or entirely for the development and maintenance of trails rather than going into the administrative budget of some state agency?"

Senator Ridder: "Right. And the bill was drawn in such a way that the money would go on a miles of trail basis so if you did not add any miles of trail you would not get the money to handle it. So you would have to institute a new trail to get the money."

Senator Wilson: "Thank you. My second question is this, in developing this state-wide recreational trail system, is it not the intent of the sponsor that a certain and reasonable separation should be achieved with respect to trails designed primarily for mechanized travel and trails designed primarily for back packing and horseback travel?"

Senator Ridder: "The idea in this bill is to draw some differential here so that the four-wheel all-terrain vehicles and the motorcycles have a place to go and that they do not conflict with the back packers and the bicyclists and the walkers and this is one of the ideas of the bill, to set aside."

Senator Wilson: "My final question concerns for example the large number of cattlemen in my district and elsewhere in the state who lease state lands for grazing purposes and my question would be: Is there any possibility under this bill that certain recreational trails might be run across these leased properties or across private property, as far as that is concerned, with the result that life would be made more difficult for these cattlemen, the fire hazards might be increased and that problems would be created for them by the injection of an increased amount of recreational track across lands which they are using for cattle raising."

Senator Ridder: "We are very much interested in not touching whatsoever private lands, and private lands are not involved in this. Only lands owned by the parks, the game and the natural resources. So it is only state lands, except in cases where easements have been legally obtained and arrived at that would allow the passage of such vehicles. If these easements are gained then we could allow them to get to state land.

"Secondly, we had the agreement of the bodies involved that they would in no way allow these vehicles to bother the leasing of land for grazing and that it was completely out of their ken to allow any of these vehicles across land that was used for grazing."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Ridder yield? Senator, what kind of a license do you have to have for this type of vehicle?"

Senator Ridder: "This is going to be a large decal type that can be noted at long distances and it is as much for identification of the vehicle from loss and finding them as it is for noticing them on the trail and picking up those that break rules."

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Ridder yield to a question? Senator, I notice that the provisions of the bill, at least as they appear, apply only to land trails."

Senator Ridder: "Right."

Senator Lewis: "Why did you exclude water trails from this?"

Senator Ridder: "That is another part of the inter-agency council and when they agreed to draw up scenic trails, these are trails only for land vehicles, all-terrain vehicles."

POINT OF INQUIRY

Senator Andersen: "Another question of Senator Ridder. I just wanted to clarify one answer that you gave in response to a question by Senator Wilson. You mentioned that there is a desire to keep these trails separate, the back packing trails as I gather that you said from trails where you have four-wheel vehicles and motorcycles and so on. I just want to make sure that you are referring to motorcycles, you are referring to the generic very broad term that encompasses all the little snorting, belching, smoking things that louse up the trails for those of us who like to hike."

Senator Ridder: "It does, and it has specific noise levels in it to keep this noise level down and it deals with three-wheel, four-wheel, six-wheel, all-terrain vehicles."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 372, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Absent or not voting: Senator McCutcheon—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 645.

MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 166,  
HOUSE BILL NO. 248.

Senators Greive, Ridder 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.  
On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## MOTION

On motion of Senator Greive, the Senate immediately began consideration of Engrossed Senate Joint Resolution No. 22 on third reading.

ENGROSSED SENATE JOINT RESOLUTION NO. 22, by Senators Greive, Knoblauch, Talley, Lewis, Keefe, Sandison, Ridder, McCutcheon, Fleming, Connor, Peterson (Lowell), Peterson (Ted), Gardner, Francis, Herr, Day, Odegaard, Washington and Cooney (by executive and Legislative Council request):

Providing a constitutional amendment concerning loaning the credit of the state.

The bill was read the third time.

Debate ensued.

## MOTION

On motion of Senator Stender, the rules were suspended and Engrossed Senate Joint Resolution No. 22 was returned to second reading.

Senator Stender moved adoption of the following amendment:

On page 1, line 10, beginning on line 10, strike all the underlined language on page 1 and on page 2, including all amendments currently added to the resolution and insert the following after the word "corporation" on line 10, page 1: "*except that the legislature may commit the financial resources of the state and provide financial support for specific industrial projects when such projects are approved by a two-thirds majority vote of the members of both houses of the legislature.*"

Debate ensued.

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

On motion of Senator Greive, the rules were suspended, Engrossed Senate Joint Resolution No. 22 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 Joint Resolution No. 22, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Andersen, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Washington, Whetzel—34.

Voting nay: Senators Atwood, Bailey, Canfield, Clarke, Donohue, Durkan, Guess, Huntley, Mardesich, Matson, Newschwander, Scott, Stender, Wilson, Woodall—15.

ENGROSSED SENATE JOINT RESOLUTION NO. 22, having received the constitutional two-thirds majority, was declared passed.

## MOTIONS

On motion of Senator Greive, Engrossed Senate Joint Resolution No. 22 was ordered immediately transmitted to the House.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

On motion of Senator McDougall, Senator Matson was excused.

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

## MESSAGE FROM THE HOUSE

April 3, 1971.

Mr. President: The House has passed SENATE BILL NO. 906 with the following amendments:

On page 1, beginning on line 7, insert a new section as follows:

"NEW SECTION. Sec. 1. The legislature finds the award of contracts to construct new

ferries to persons intending to construct such ferries within the state will serve not only the public transportation needs of the state but also generate an increase in employment, salaries, wages, purchases, and general business activity which will cause a general increase in the tax revenues of the state. It is the intent of this act to effectively recognize all the benefits to the people of the state when contracts for the construction of ferries are awarded to persons intending to construct such ferries within the state and to provide for the consideration of such benefits in awarding a contract for construction. It is the further intent of this act to respond to the severe and extraordinary problem of unemployment which presently faces the citizens of the state and which diminishes the strength of the public institutions which serve the welfare of all the people of the state."

Remember the remaining section consecutively.

On page 1, section 1, line 18, strike everything from "AND" down through and including "offered" on line 27 and insert "AND PROVIDED FURTHER, That notwithstanding any other provision of law, the highway commission, in awarding contracts for which bids have been accepted prior to July 1, 1971, for construction of ferries for the Washington state ferry system, may consider the bid of the lowest responsible bidder operating shipbuilding facilities and proposing to build such ferries in the state of Washington by evaluating and including the projected direct and indirect tax revenues generated by construction of the ferries within the state. Moneys expended to meet the added cost incurred as a consequence of the award of an contract authorized by this proviso shall come from such funds as may be available"

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Stender, the Senate concurred in the House amendments to Senate Bill No. 906.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 906, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Woodall-40.

Voting nay: Senators Clarke, Elicker, McDougall, Metcalf, Whetzel and Wilson-6.

Absent or not voting: Senators McCutcheon, Talley-2.

Excused: Senator Matson-1.

SENATE BILL NO. 906, 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 5, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 918, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

SECOND READING

SENATE BILL NO. 617, by Senators Day, Cooney, Peterson (Ted) and Newschwander:

Providing for health care vision services by optometrists.

The bill was read the second time by sections.

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

On page 1, line 16, after "optometrist" and before the period insert "PROVIDED, HOWEVER, That as to ophthalmologists, such contract may provide for services which cannot be legally provided by an optometrist"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 617, 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. 617, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—39.

Voting nay: Senators Clarke, Whetzel—2.

Absent or not voting: Senators Andersen, Dore, Elicker, Guess, McCutcheon, McDougall, Newschwander—7.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 617, having received the 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. 108, by Senators Andersen, Odegaard and Walgren (by departmental request):

Providing changes in the sentencing of persons convicted of more than one crime.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the following amendment:

On page 2, after section 1, add a new section as follows:

"Sec. 2. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: PROVIDED, ALSO, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days of the date of a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, or the payment of a fine or a plea of guilty, or a finding of guilt on a traffic violation charge, an abstract of the court record in the form prescribed by rule of the supreme court, showing the forfeiture of bail or collateral deposited to secure the defendant's appearance in court, or the payment of the fine or the plea of guilty, or the finding of guilt [conviction of any person] in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person [so convicted].

(3) For the purposes of Title 46 the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, under Title 46 regardless of whether the imposition of sentence is deferred or the penalty is suspended."

Debate ensued.



## POINT OF INQUIRY

Senator Metcalf: "I wonder if Senator Woodall would yield to a question? Senator, I know the dangerous ground upon which I am walking but the law as it appears here, the present law requires the court to forward to the department within ten days an abstract and so forth showing conviction of any person. My question—is a deferred sentence, is this not a conviction? You have to be guilty before you can have a deferred sentence, don't you?"

Senator Woodall: "No, that is the idea of a deferred sentence so that if you comply with the terms of the deferment you are then entitled to substitute your plea or to change it from guilty to not guilty, whereupon the case is dismissed and you have no record. That is the idea of a deferred sentence. So if you wipe that out and make them send in the report, then forever you have him found guilty down here but the record will show him not guilty back up in court. There is no need of this particular thing. You are going to get some crossed up records. You are going to have a man with a clean record up in the court that sent it down but you are going to have him showing guilty of something down here in the department of licenses. Let us just leave the courts alone."

## POINT OF ORDER

Senator Atwood: "I raise the point of order that the proposed amendment by Senator Metcalf enlarges the scope and object of this particular bill. This bill deals with sentencing of felons on when they are going to serve consecutive or concurrent sentences. It has nothing to do with drivers' convictions or forfeitures or anything else and it is a very tender spot in the law. If you will look at the title of Senate Bill No. 108, it deals with the criminal code, 9,92,080 and other sections in the criminal code. Senator Metcalf's amendment deals strictly with driving offenses in district courts and JP courts and I would hate to see this departmental request bill fouled up with a new and different subject matter."

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Atwood; the President believes the remarks just made by Senator Atwood are correct, therefore the amendment does change the scope and object of the bill."

The amendment by Senator Metcalf was ruled out of order.

On motion of Senator Andersen, the following amendment by Senators Durkan and Andersen was adopted:

On page 2, following line 13, add a new section to read as follows:

"NEW SECTION. Sec. 2. No court shall suspend or defer the sentence of any person having been convicted of selling narcotic or dangerous drugs."

On motion of Senator Andersen, the rules were suspended, Engrossed Senate Bill No. 108, 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. 108, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 108, having received the 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. 124, by Senators Atwood and Durkan (by departmental request): Abolishing the state patrol highway account.

## REPORT OF STANDING COMMITTEE

March 30, 1971.

SENATE BILL NO. 124, abolishing the state patrol highway account (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after section 2 and before section 3, add new sections to read as follows:

"Sec. 3. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the [state patrol highway account] *motor vehicle fund*. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 4. Section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment, which commission may charge a reasonable fee therefore to go into [the state patrol highway account] *the motor vehicle fund*.

Sec. 5. Section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.080 are each amended to read as follows:

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies shall be deposited in [the state patrol highway account of] *the motor vehicle fund*."

On page 2, strike old section 3 and insert the following:

"NEW SECTION. Sec. 6. Section 46.68.140, chapter 12, Laws of 1961 and RCW 46.68.140 are hereby repealed and all funds remaining in the State Patrol Highway Account on August 1, 1971 are transferred to the Motor Vehicle Fund."

Renumber the remaining section.

In line 4 of the title after "thereto;" and before "amending" insert "amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520; amending section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.085;"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Dore, Fleming, Greive, Guess, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Wilson.

The bill was read the second time by sections.

On motion of Senator Atwood, the committee amendment to page 2 was adopted.

Senator Washington moved adoption of the following amendment:

On page 2, section 2, line 11, after "fund" insert "through June 30, 1973"

Debate ensued.

## MOTIONS

On motion of Senator Washington, Senate Bill No. 124, the pending amendment by Senator Washington and the committee amendment to the title was ordered held at the end of the second reading calendar for today.

On motion of Senator Bailey, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Wednesday, April 7, 1971.

At 3:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, April 6, 1971.

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

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, April 6, 1971.

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 Andersen, Mardesich and Stender. On motion of Senator McDougall, Senators Andersen and Stender were excused. On motion of Senator Keefe, Senator Mardesich was excused.

The Color Guard, consisting of Pages Karl Bey from Angermundy, Germany, Color Bearer, and Heinrich Meyer from Hamburg, Germany presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered prayer as follows:

“Our Father, in this week especially we are aware that Eternity is in touch with time, that neither earth nor man have been forsaken by the Creator despite all the wrongs that have prevailed. Retrace again Thy image on our hearts, cause our souls to ‘split the sky in two and let the face of God shine through, in the words of the poet. Waken our hearts to a ready claim of Thy holy will, cause the humblest tasks to shine, make the rough places plain. Grant wisdom to the perplexed, fresh vigor to those who would lose heart, a clean vision to all who seek after Thee. Through Christ our Lord. Amen.”

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

REPORTS OF STANDING COMMITTEES

April 3, 1971.

SENATE BILL NO. 140, providing a prohibition against showing certain motion pictures or previews thereof to persons under the age of nineteen (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

SENATE BILL NO. 366, putting justices of the supreme court and judges of the court of appeals and superior courts under state insurance procurement coverage (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Twigg, Walgren, Woodall.  
Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SENATE BILL NO. 396, prescribing insurance or protection programs for common schools and higher education personnel, students and dependents (reported by Committee on Rules and Joint Rules which recommends that the bill be referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

Signed by: John A. Cherberg, Chairman; Senators Atwood, Bailey, Foley, Guess, Henry, Peterson (Ted), Ridder, Stender, Talley, Woodall.

#### MOTION

On motion of Senator Bailey, Senate Bill No. 396 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

#### REPORTS OF STANDING COMMITTEES

April 3, 1971.

SENATE BILL NO. 565, providing an additional ground for divorce (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Francis, Holman, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

SENATE BILL NO. 773, limiting liability of demonstration cities (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, Herr, Peterson (Ted), Ridder, Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

SENATE BILL NO. 841, prohibiting payment by the department of social and health services of funeral expenses in cases involving burial of more than one body in the same grave (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Stortini, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 2, 1971.

SENATE BILL NO. 865, including legislative authority of charter county in definition of county commissioners (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Peterson (Ted), Ridder, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

SENATE CONCURRENT RESOLUTION NO. 12, providing for a study of ecology curricula (reported by Committee on Rules and Joint Rules which recommends that the bill be referred to Committee on Education):

Signed by: John A. Cherberg, Chairman; Senators Atwood, Foley, Guess, Henry, Peterson (Ted), Ridder, Stender, Talley, Woodall.

#### MOTION

There being no objection, Senate Concurrent Resolution No. 12 was referred to the Committee on Education.

April 3, 1971.

ENGROSSED HOUSE BILL NO. 86, reorganizing powers, duties and functions within intermediate school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

ENGROSSED HOUSE BILL NO. 181, establishing when any statute of limitations is tolled (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 313, providing for changes in the law relating to county hospitals and infirmaries (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Grieve, Holman, Keefe, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

ENGROSSED HOUSE BILL NO. 555, authorizing the parks and recreation commission to regulate vehicular traffic on ocean beaches (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Henry, Jolly, Lewis, Murray, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

SUBSTITUTE HOUSE BILL NO. 561, providing monetary grants on release of prisoners (reported by Committee on Public Institutions):

Recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 707, providing that counties may transfer mental health funds to the state in order to obtain federal matching funds (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, Keefe, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SUBSTITUTE HOUSE BILL NO. 768, providing for adoption of hard to place children (reported by Committee on Public Institutions):

Recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

HOUSE BILL NO. 782, authorizing certain nonprofit charitable organizations to be parental successors of mentally and/or physically deficient persons in state residential schools (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

ENGROSSED HOUSE BILL NO. 798, relating to the operation and administration of state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Elicker, Gardner, Gissberg, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

ENGROSSED HOUSE BILL NO. 841, requiring that provision be made for handicapped persons in public accommodations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Elicker, Gardner, Gissberg, Jolly, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, March 31, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has approved the following Senate Bill, entitled:

SENATE BILL NO. 879: Making appropriations for expenses and costs of the legislature.

Sincerely,

RICHARD W. HEMSTAD  
Legal Assistant to the Governor.

#### MESSAGES FROM THE HOUSE

April 5, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 584, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 3, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 415 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Jolly, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 415, 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. 415 and the Senate amendments thereto: Senators Jolly, Matson and Donohue.

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 920, by Senator Talley:

An Act relating to revenue and taxation; and amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 17, chapter 173, Laws of 1965 ex. sess. and RCW 82.12.010.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE JOINT RESOLUTION NO. 38, by Senators Whetzel, Atwood and Bailey:

Amending the state Constitution making it permissive for the legislature to set the salaries of county officers.

Referred to Committee on State Government.

SENATE CONCURRENT RESOLUTION NO. 25, by Senator Durkan:

Requiring a study of the feasibility of the four day, ten hour per day work week.

On motion of Senator Durkan, the rules were suspended, Senate Concurrent Resolution No. 25 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, the following amendment was adopted:

On page 1, line 18, strike "Budget Committee" and insert "Council"

On motion of Senator Durkan, the rules were suspended, Engrossed Senate Concurrent Resolution No. 25 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 25 and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Mardesich, Stender—3.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 25 having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 584, by Committee on Natural Resources and Ecology:

Providing for the management of shoreline areas.

Referred to Committee on Natural Resources, Fisheries and Game.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 906.

SECOND READING

SENATE BILL NO. 42, by Senators Lewis and Jolly (by Legislative Council request):  
Regulating the burning of waste forest products and other materials.

MOTION

On motion of Senator Gissberg, Senate Bill No. 42 was ordered held following consideration of Senate Bill No. 257.

SENATE BILL NO. 144, by Senators Washington, Henry and Huntley (by departmental request):

Providing for the segregation of taxes when property is acquired by a governmental unit.

The bill was read the second time by sections.

On motion of Senator Washington, the following amendment was adopted:

On page 1, section 2, line 25, after "purchase" and before "condemnation" correct the typographical error by striking "of" and inserting "or"

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 144 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. 144, and the bill passed the Senate by the following vote: Yeas, 42, absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Durkan, Gardner, Lewis, McCutcheon—4.

Excused: Senators Andersen, Mardesich, Stender—3.

ENGROSSED SENATE BILL NO. 144, having received the 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. 153, by Senators Odegaard, Francis and Woodall (by departmental request):

Providing credit for time served for imprisonment.

The bill was read the second time by sections.

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

On page 1, in section 1, line 4, after "1955" and before "and" insert "as amended by section 47, chapter 81, Laws of 1971"

On page 1, in section 1, line 9, after "[court]" and before "[shall]" insert "[for the court of appeals]"

On page 1, in line 2 of the title, after "1955" and before "and" insert "as amended by section 47, chapter 81, Laws of 1971"

On motion of Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 153 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. 153, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Andersen, Mardesich, Stender—3.

ENGROSSED SENATE BILL NO. 153, having received the 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. 185, by Senators Walgren and Elicker:

Allowing sale of property by governmental units.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 185 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. 185, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Mardesich, Stender—3.

SENATE BILL NO. 185, having received the 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. 257, by Senators Fleming, Mardesich and Murray (by departmental request):

Providing certain changes in the advisory committee on vendor rates and in its powers and duties.

The bill was read the second time by sections.

On motion of Senator Day, the following amendment was adopted:

On page 2, section 2, line 22, after "determine." strike all the underlined material down to and including "final." on line 23.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 257 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. 257, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Andersen, Mardesich, Stender—3.

ENGROSSED SENATE BILL NO. 257, having received the 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 Walgren, the Committee on State Government was relieved of further consideration of Senate Bill No. 682.

On motion of Senator Walgren, Senate Bill No. 682 was referred to the Committee on Ways and Means.

At 11:35 a.m., on motion of Senator Greive, 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 first order of business.

## REPORT OF STANDING COMMITTEE

April 5, 1971.

SENATE BILL NO. 396, prescribing insurance or protection programs for common schools and higher education personnel, students and dependents (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: That Substitute Senate Bill No. 396 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Holman, Keefe, McCutcheon, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

## SECOND READING

SENATE BILL NO. 42, by Senators Lewis and Jolly (by Legislative Council request):  
Regulating the burning of waste forest products and other materials.

## REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 42, regulating the burning of waste forest products and other materials (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 22, after "quality" and before the comma insert "standards"

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the committee amendment was adopted.

On motion of Senator Gardner, the following amendment was adopted:

On page 3, line 19, after "fire" and before the period insert "PROVIDED, HOWEVER, That any order or decision under section 1 or section 2 is subject to the right of appeal to the superior court in the county where the burning occurs or is planned to occur"

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed Senate Bill No. 42 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. 42, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Francis, Lewis, McCutcheon—3.

Excused: Senators Andersen, Stender—2.

ENGROSSED SENATE BILL NO. 42, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 259, by Senators Odegaard, Holman and Wilson:

Implementing law relating to tuition contracts of state's institutions of higher education.

REPORT OF STANDING COMMITTEE

April 1, 1971.

SENATE BILL NO. 259, implementing law relating to tuition contracts of state's institutions of higher education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendment:

Strike all the matter after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 a new section to read as follows:

Any state institution of higher education, upon the promulgation of rules and regulations providing therefor by its board of regents or trustees, as the case may be, may provide that during the first three weeks of the term any student who has at least five consecutive absences from any class without excuse from the instructor shall be deemed to have withdrawn from such class, and to have forfeited, only in that respect, the rights or privileges granted such student in registration. Written notice of such rules or regulations must be provided each student upon registration of such student and the student shall sign a written acknowledgment of such fact at the time of registration."

Signed by: Senators Sandison, Chairman; Atwood, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 259 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 McDougall, Senator Huntley was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 259, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senators Durkan, Francis, McCutcheon-3.

Excused: Senators Andersen, Huntley, Stender-3.

ENGROSSED SENATE BILL NO. 259, having received the 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. 277, by Senators Gissberg and Andersen:

Providing for the holding of sessions of the superior courts in places other than the county seat of a county.

REPORT OF STANDING COMMITTEE

February 27, 1971.

SENATE BILL NO. 277, providing for the holding of sessions of the superior courts in places other than the county seat of a county (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 11, after "state" and before the period insert "and of the governing body of the county"

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 277 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. 277, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Francis, McCutcheon—3.

Excused: Senators Andersen, Huntley, Stender—3.

ENGROSSED SENATE BILL NO. 277, having received the constitutional 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 Washington, Senate Bill No. 280 was ordered to hold its place on the second reading calendar for Wednesday, April 7, 1971.

SENATE BILL NO. 341, by Senators Peterson (Lowell), Day and Connor (by Joint Committee on Governmental Cooperation and departmental request):

Providing for forest fire protection.

#### REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 341, providing for forest fire protection (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendments:

On page 4 add two new sections following section 1 as follows:

"NEW SECTION. Sec. 2. There is added to chapter 76.04 RCW a new section to read as follows:

Any unauthorized entry into a sealed box shall constitute a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 76.04 RCW a new section to read as follows:

No person shall dump mill waste, chips, sawdust or forest debris of any kind, on forest or range lands located in this state, without first obtaining a written permit issued by the department of natural resources on such terms and conditions determined by the department pursuant to rules and regulations enacted to protect forest lands from fire. Said permit must be obtained in addition to any and all other permits required by law. Any person who dumps any mill waste, chips, sawdust, or forest debris without a required permit, or in violation of a permit, shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not less than two hundred fifty dollars and not more than one thousand dollars, and may further be required to remove all materials dumped in violation of this act."

On line 3 of the title, after "76.04.251" and before the period insert "; adding new sections to chapter 76.04 RCW; and prescribing penalties"

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

The bill was read the second time by sections.

Senator Peterson (Lowell) moved adoption of the committee amendment on page 4 adding two new sections.

POINT OF INQUIRY

Senator Lewis: "Will Senator Peterson (Lowell) yield? Senator, for the record, the amendment says 'no person shall dump mill waste, chips, sawdust or forest debris of any kind on forest or range lands'. My question has to do with the forest and range lands. Do you intend by this language and do you mean only department of natural resource land and/or other state lands only?"

Senator Peterson (Lowell): "It was not the intent of the committee on natural resources to include any private lands or any lands other than that under direct control or ownership of the state. Now perhaps if it is desirable, well we could clarify the language further by an additional amendment, but this was not the intent of the committee."

Senator Lewis: "Senator, to pursue this a little further for the record, do I understand you to say then that this is not intended to apply to privately held lands, industrial sites, etc., but only to the forest or range lands held by the department of natural resources or other state lands?"

Senator Peterson (Lowell): "This is true, Senator Lewis. That is the intent."

On motion of Senator Guess, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 4 as follows:

On line 4 of new section 3 of the amendment, after "lands" and before "located" insert "not under his ownership"

On motion of Senator Peterson (Lowell), the committee amendment, as amended, was adopted.

On motion of Senator Peterson (Lowell), the committee amendment to the title was adopted.

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed Senate Bill No. 341 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. 341, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Atwood, Durkan, Francis, McCutcheon—4.

Excused: Senators Andersen, Huntley, Stender—3.

ENGROSSED SENATE BILL NO. 341, having received the 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. 369, by Senators Henry, Washington and Huntley:

Modifying warning equipment requirements for certain motor vehicles.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 369 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. 369, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—42.

Absent or not voting: Senators Durkan, Francis, McCutcheon, Whetzel—4.

Excused: Senators Andersen, Huntley, Stender—3.

SENATE BILL NO. 369, having received the constitutional 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, Senate Bill No. 98 was ordered to hold its place on the second reading calendar for Wednesday, April 7, 1971.

SENATE BILL NO. 353, by Senators Canfield and Jolly:

Providing credit for certain prior service by law enforcement officers and fire fighters for the purposes of retirement.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 353 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. 353, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senator Whetzel—1.

Absent or not voting: Senators Durkan, Francis, McCutcheon, Twigg—4.

Excused: Senators Andersen, Huntley, Stender—3.

SENATE BILL NO. 353, having received the 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. 59, by Senators Woodall, Cooney, Twigg and Greive (by Legislative Council request):

Establishing a judicial retirement system.

The bill was read the second time by sections.

Senator Woodall moved adoption of the following amendment:

Beginning on page 5, section 9, line 31, after "in addition" strike all the material down to and including "1971 act.", on page 6, line 4, and insert "make biennial appropriations from the general fund of an amount sufficient to guarantee the making of retirement payments as herein provided."

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Woodall yield? What is the fiscal impact of this?"

Senator Woodall: "None, because the system they are under now is funded. This is merely putting the same provision in. This amendment has no fiscal impact."

Senator Bailey: "If it has no impact, is it necessary to put it in? This is the point."

Senator Woodall: "Yes, because at the present time the judges' pensions are guaranteed by statute. This is providing a different act. No judge will leave a guaranteed system and come into a non-guaranteed. That is the reason that we are putting the same clause in this as now exists in the system they presently are under."

Senator Bailey: "Senator Woodall, what is the name of the act?"

Senator Woodall: "The present judges' retirement act that we fund every year by the appropriations. We fund the difference between what is paid in and what the actual costs are, and this is merely saying we do the same thing here."

Debate ensued.

There being no objection, the amendment by Senator Woodall beginning on page 5, section 9, line 31 was withdrawn.

MOTION

On motion of Senator Bailey, Senate Bill No. 59 was ordered held for the second reading calendar on Wednesday, April 7, 1971.

SENATE BILL NO. 720, by Senators Washington and Andersen:  
 Authorizing special license plates for vehicles of historic value.

REPORT OF STANDING COMMITTEE

March 10, 1971.

SENATE BILL NO. 720, authorizing special license plates for vehicles of historic value (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 3, line 15, after "duplicate plates" strike the remainder of the sentence and insert "designated for use in the year of the manufacturing of said vehicle, and bearing the date thereof."

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Elicker, Guess, Herr, Huntley, McDougall, Matson, Murray, Scott, Talley, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment was adopted.

Senator Metcalf moved adoption of the following amendment:

On Page 2, Section 4, Line 24 insert as Section 4:

"Sec. 4. There is added to 46.16 RCW a new section to read as follows: Every person who desires a license plate containing his initials or any other combination of letters or numbers, that is consistent with the existing format of three letters and three numbers as prescribed by the director of motor vehicles may apply to the director for such license plates, and if the director is satisfied that such license plates as requested would be reasonable and proper and would not be a duplication of any other valid license plates, may receive in lieu of regular motor vehicle license plates similar plates bearing the letters or numbers, or combination thereof requested. No combination shall be issued with fewer than six letters and numbers. All sequences of letters and numbers must be approved by a committee of five members appointed to serve at the pleasure of the director to be known as the license plate advisory committee.

Original applicants shall be issued temporary license plates which will serve until such a time as the "personalized plates" can be manufactured by the Washington state prison industries, and processed by the department of motor vehicles. The temporary license plates shall be surrendered to the department at the time the "personalized plates" are issued. Any previously issued license plates assigned to the vehicle involved must be surrendered to the department at the time of issuance of the "personalized plates".

Each time that "personalized plates" are transferred from one vehicle to another, by the owner, a special transfer fee of five dollars shall be collected by the department from that owner. Such special fee shall be deposited in the motor vehicle fund.

In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of thirty dollars in the case of personalized plates."

Renumber section 4 of the bill as section 5.

MOTION

On motion of Senator Huntley, Senate Bill No. 720, as amended, and the pending amendment by Senator Metcalf was ordered held on the second reading calendar for Wednesday, April 7, 1971.

SENATE BILL NO. 817, by Senators Ridder and Peterson (Ted):

Providing for the licensing of game farmers.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the rules were suspended, Senate Bill No. 817 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 Woodall: "Will Senator Ridder yield to a question? Are there quite a few of these farms in your Seattle district? I know you give us the bird quite often, but I mean do you raise quite a few in your area?"

Senator Ridder: "No. Strangely the young man that brought this bill to me is an old fifth grade student of mine who has, for all of his years, raised these birds. It is his hobby and it has been a lifelong hobby and they have a national association that he is president and this is the reason that this bill came up. They feel that this enables their organization to raise game birds and it is meritorious."

#### POINT OF INQUIRY

Senator Canfield: "Isn't there something in this bill besides game birds?"

Senator Ridder: "Yes, it has the raising of, some people raise peculiar type of deer or strange species of deer and it says here that they can raise twenty-five of these wild animals without being charged the full forty dollar fee."

Senator Canfield: "My reaction to this bill is favorable but I am wondering if you could not draw a little better line between commercial and noncommercial farms to meet the objection of Senator Henry?"

Senator Ridder: "I would presume right now that this would meet the approval of gentlemen in Senator Henry's district. I think that the gentleman, if he raises more than this right now, the number of twenty-five animals or one hundred birds, then he is in business and he should come under the forty dollar fee."

#### POINT OF INQUIRY

Senator Talley: "Senator Ridder, would you yield? Are you telling me that if I take a setting of eggs and put it under a bantam chicken you are going to charge me four dollars a piece for it?"

Senator Ridder: "If you are doing this commercially and selling the product, very possibly you could come under the commercial license."

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Canfield yield? Senator, I know you have been connected with the fair and with the poultry business for years. What is your construction the way this is worded, if a person has ornamental bantams or anything of that nature that they exhibit at the fair. Would they come under this act or not?"

Senator Canfield: "I think they would be excluded from this. I do not believe they would be called exotic fowl within the terms of the game farm definition."

#### MOTION

On motion of Senator Canfield, Senate Bill No. 817 was ordered placed on the third reading calendar for Wednesday, April 7, 1971.

ENGROSSED HOUSE BILL NO. 300, by Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request):

Relating to right of entry by department of natural resources employees.

The Senate resumed consideration of Engrossed House Bill No. 300 on second reading. The committee amendments having been previously adopted.

On motion of Senator Peterson (Lowell), the following amendment was adopted:

On page 1, section 1, line 17, of both the printed and engrossed bills, after "or" strike all the material down to and including "making" on line 18 and insert "after five days written notice to the landowner, for making examinations, appraisals and"

On motion of Senator Canfield, the following amendment was adopted:

On page 1, section 1, line 23, of the printed bill being line 24 of the engrossed bill, after "representatives" and before the period insert "PROVIDED, That such authorized



*persons may make entry on private land for the designated purposes only when access to state land cannot be accomplished over publicly owned land or public roads"*

On motion of Senator Donohue, the following amendment was adopted:

After the Canfield amendment to page 1, section 1, line 24, strike the period and insert "*, nor may the use of a motor vehicle upon private land be authorized without the permission of the owner thereof.*"

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed House Bill No. 300, 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. 300, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Francis, McCutcheon—3.

Excused: Senators Andersen, Stender—2.

ENGROSSED HOUSE BILL NO. 300, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Dore moved that Senate Bill No. 682 be referred to the Committee on Ways and Means—Appropriations.

#### PRESIDENT'S REMARKS

The President: "Senator Dore, Senate Bill No. 682 was referred to the full committee on Ways and Means just prior to the noon recess on motion of Senator Walgren."

#### MOTION

On motion of Senator Bailey, the rules were suspended and Engrossed House Bill No. 86 was made a special order of business immediately following the noon recess, Thursday, April 8, 1971.

SENATE BILL NO. 176, by Senators Wilson, Huntley and Peterson (Lowell):

Allowing municipal officers to contract with that municipality for up to thirty-six hundred dollars of business annually.

The Senate resumed consideration of Senate Bill No. 176 on second reading.

Senator Whetzel moved adoption of the following amendment by Senators Whetzel and Wilson:

Strike everything after the enacting clause, including the amendment by Senator Whetzel, and insert the following:

"Section 1. Section 4, chapter 268, Laws of 1961 and RCW 42.23.030 are each amended to read as follows:

No municipal officer 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 from any other person beneficially interested therein. This section shall not apply in the following cases:

- (1) The furnishing of electrical, water or other utility services by a municipality

engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month; [and]

(6) *The letting of any other contract [in such a municipality] (except a sale or lease [by the municipality] as seller or (lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed two hundred dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the second, third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year;*

(7) *The leasing by a port district as lessor [may lease] of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest."*

#### POINT OF INQUIRY

Senator Talley: "I wonder if Senator Whetzel would yield to a question? I think by your amendment, Senator Whetzel, you have brought the port districts and things like that under this bill."

Senator Whetzel: "This is a searching question. It was not the intention of the bill to cover port districts by this extension of thirty-six hundred dollars a year, and the amendment that I have does not do that."

"Now port districts have an exclusion which is repeated in my amendment."

Senator Talley: "You have no intention of bringing them under it? I know they are not under it now but I did not quite understand your amendment."

Senator Whetzel: "If you will look at subsection 7 of the amendment, it carries on the present language that does permit certain leases by a port district to a municipal officer or a contracting party. That is present law and that is unchanged in my amendment."

"The only thing that we have done with this amendment is to do what the bill was designed to do, is to allow those officers of second, third and fourth class or non-charter optional code cities to be permitted to increase the dollar amount of their contract from two hundred a month to thirty-six hundred dollars a year. The intention is not to extend that to any other special district or any other municipality or county or unit of government."

Senator Talley: "Thank you very much."

The motion carried and the amendment was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 176 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. 176, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Francis, McCutcheon—3.

Excused: Senators Andersen, Stender—2.

ENGROSSED SENATE BILL NO. 176, having received the 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. 124, by Senators Atwood and Durkan (by departmental request):  
Abolishing the state patrol highway account.

The Senate resumed consideration of Senate Bill No. 124 on second reading and the pending amendment by Senator Washington and the committee amendment to the title.

There being no objection, the amendment proposed by Senator Washington on April 5, 1971 to page 2, section 2, line 11 was withdrawn.

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

On page 2, section 2, line 11, after “[highway account]” and before “fund.” strike “general” and insert “motor vehicle”

On page 2, following section 6 as added by the committee amendment, insert the following new section:

“NEW SECTION. Sec. 7. Notwithstanding the provision of subsection (3) of section 2 of this 1971 amendatory act, the one dollar and ninety cents out of each fee collected for a driver’s license directed to be deposited in the motor vehicle fund shall for the biennium of July 1, 1971 through June 30, 1973 be deposited in the general fund.”

On page 2, strike old section 4, and insert the following:

“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 on July 1, 1971.”

Senator Washington moved adoption of the committee amendment to the title.

On motion of Senator Atwood, the following amendment to the committee amendment was adopted:

On line 9 of the title, after “section” and before “and” insert “declaring an emergency”

The committee amendment to the title, as amended, was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 124 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. 124, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

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

Excused: Senators Andersen, Stender—2.

ENGROSSED SENATE 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.

SENATE BILL NO. 677, by Senator Gissberg:

Authorizing the deposit of trust moneys in public depositories.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No. 677 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 Canfield: "Will Senator Gissberg yield? Senator, not being a banker and quite unqualified to speak on this subject, I do recall however that when Senator Ryder brought up this question that is being raised now as to whether there is undue infringement upon the rights of the regular banks. So my question to you is this: Is this a further erosion of these rights of normal banks?"

Senator Gissberg: "No, it is not in any way, shape or form. As I say, I can best explain it very simply: it allows a treasurer of your city or your county to deposit his surplus funds that he has as public moneys into not only a commercial bank if he wishes to do so but he can deposit them in a mutual savings bank. That is all it does. That deposit is subject to the same safeguards, the same guarantee fund pooling and pooling of collateral as is required by the other terms of the act. It does not encroach in any way, shape or form upon a commercial bank."

Senator Canfield: "We do not have any big banks in my area but the ones I have heard from do not seem to like this bill very well for some reason."

Senator Gissberg: "I would assume that the reason they do not is the same reason that the lobbyists for the commercial banks just explained to me and he was fearful that a treasurer might take advantage of this act and deposit some of his public funds in a mutual savings bank. Of course, the commercial banks being as they are, wish to have as much of those public funds in their particular bank by the exclusion of any other banks, namely the mutual banks. That is the reason they are opposed to it."

#### POINT OF INQUIRY

Senator Lewis: "Will Senator Gissberg yield? Senator, is it true that normally mutual savings banks pay higher interest rates on savings of this type than commercial banks?"

Senator Gissberg: "It is true that the mutual savings banks would on your deposit, Senator. But it is not true that the mutual savings bank would pay a higher interest rate on the deposit of public funds."

"As a matter of fact, the act that was passed last time, at the request of the commercial banks, carries on it a limitation of the maximum interest that can be paid by the bank to the public depository. I am not sure that that was in the public interest to limit that as it did. If we took that out we might be able to raise another million and a half dollars for various of the public funds. But the bank's rate is limited in the public depository act by not in excess of ninety day bill rate."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 677, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Herr, Holman, Jolly, Knoblauch, McDougall, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Twigg, Washington—27.

Voting nay: Senators Canfield, Cooney, Day, Guess, Henry, Huntley, Keefe, Lewis, Mardesich, Matson, Metcalf, Newschwander, Sandison, Talley, Walgren, Whetzel, Wilson, Woodall—18.

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

Excused: Senators Andersen, Stender—2.

SENATE BILL NO. 677, having received the constitutional 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 3:55 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, April 7, 1971.

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

TWENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, April 7, 1971.

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 Durkan and Sandison. On motion of Senator Bailey, Senators Durkan and Sandison were excused.

The Color Guard, consisting of Pages David Spurgeon, Color Bearer, and Jan Hacault, presented the Colors. Reverend Charles Meyers, pastor Emmanuel Baptist Church of Olympia, offered prayer as follows:

"He that dwelleth in the secret place of the most high shall abide in the shadow of the Almighty. Therefore, Father, we come to Thee today with this desire to dwell in the secret place that we might have the blessing of the shadow of the Almighty upon us. We thank You for this great land of liberty that we have. We thank You, Father, for brave fighting men in Viet Nam and we pray for them today that You give them grace.

"Give, we pray, leadership to this nation, President Nixon, and for his cabinet. We pray that You guide them, we pray that You protect them. We pray, Father, for this legislative body today, that You deliver them from the pressures from without and pride and presumption from within. Give them the discernment, Father, of things that would be good for the citizenry of the State of Washington. Give them diagnosis of those things which would be evil or bad. Help them to weed out the good from the evil and to guide this people. Be with this speaker and be with every one of these who are doing business for Thee under God this day. Cleanse us from secret motives and deliver us from ourselves. In Jesus' name we pray. Amen."

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

REPORTS OF STANDING COMMITTEES

March 30, 1971.

SENATE BILL NO. 371, enacting a "Washington State Labor Relations Act" (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Foley, Francis, Gissberg, Jolly, Lewis, Mardesich, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

SENATE JOINT MEMORIAL NO. 14, urging President of United States to seek to protect anadromous fish (reported by Committee on Natural Resources, Fisheries and Game):

Recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 106, protecting endangered species of fish and wildlife (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Metcalf, Peterson (Ted).

Passed to Committee on Rules and Joint Rules for second reading.

March 31, 1971.

ENGROSSED HOUSE BILL NO. 376, regulating motor vehicle noise (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Donohue, Gess, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Peterson (Lowell), Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 773, protecting deer and elk during certain periods of the year (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Metcalf, Peterson (Ted).

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGES FROM THE HOUSE

April 6, 1971.

Mr. President: The House has passed SENATE BILL NO. 196, and the same is herewith transmitted. MALCOM McBEATH, Chief Clerk.

April 6, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 518,

ENGROSSED HOUSE BILL NO. 688,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 6, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 906, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 6, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 415 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Amen, Van Dyk, Costanti.

MALCOLM McBEATH, Chief Clerk.

April 6, 1971.

Mr. President: The House has passed SENATE BILL NO. 35 with the following amendments:

On page 1, line 2 of the title after the semicolon and before "and" insert "adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW;"

On page 1, line 13 after the period insert the following new sections:

"NEW SECTION. Sec. 2. There is added to chapter 28B.10 RCW a new section to read as follows:

The governing boards of each of the state universities, state colleges, and community colleges in addition to their other duties prescribed by law shall have the power and authority to establish programs for intercollegiate athletic competition. Such competition

may include participation as a member of an athletic conference or conferences, in accordance with conference rules.

*NEW SECTION.* Sec. 3. There is added to chapter 28B.10 RCW a new section to read as follows:

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with section 1 of this 1971 act shall be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts."

Renumber the remaining section consecutively, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Senate Bill No. 35.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 35, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-44.

Absent or not voting: Senators Andersen, Fleming, McCutcheon-3.

Excused: Senators Durkan, Sandison-2.

SENATE BILL NO. 35, 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 6, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 95 with the following amendment:

On page 2, section 1, line 8 after "buses" and before the comma insert "and fire department vehicles".

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Talley, the Senate concurred in the House amendment to Engrossed Senate Bill No. 95.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 95, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-44.

Voting nay: Senators Fleming, Francis-2.

Absent or not voting: Senator McCutcheon-1.

Excused: Senators Durkan, Sandison-2.

ENGINCESSED SENATE BILL NO. 95, 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 6, 1971.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 130 with the following amendments:

Strike all of the title and substitute the following:

"An Act relating to parking and business improvement areas; authorizing formation thereof by counties, cities, and towns; authorizing special assessments therefor; and creating new sections."

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature hereby authorizes all counties and all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

(a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;

(b) Decoration of any public place in the area;

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area;

(e) The general promotion of retail trade activities in the area;

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this act.

(3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.

NEW SECTION. Sec. 2. (1) "Business" as used in this act means all types of business, including professions.

(2) "Legislative authority" as used in this act means the legislative authority of any city or town including unclassified cities or towns operating under special charters or the legislative authority of any county.

NEW SECTION. Sec. 3. For the purpose of establishing a parking and business improvement area, an initiation petition shall be presented to the legislative authority having jurisdiction of the area in which the proposed parking and business improvement area is to be located. The initiation petition shall contain the following:

(1) The signatures of the persons who operate businesses in the proposed area which would pay sixty percent of the proposed special assessments;

(2) A description of the boundaries of the proposed area;

(3) The proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof;

(4) The estimated rate of levy of special assessment with a proposed breakdown by class of business if such classification is to be used;

NEW SECTION. Sec. 4. The legislative authority, after receiving a valid initiation petition, shall adopt a resolution of intention to establish an area. The resolution shall state the time and place of a hearing to be held by the legislative authority to consider establishment of an area and shall restate all the information contained in the initiation petition regarding boundaries, projects and uses, and estimated rates of assessment.

NEW SECTION. Sec. 5. Notice of a hearing held under the provisions of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city; and

(2) Mailing a complete copy of the resolution of intention to each business in the proposed, or established, area. Publication and mailing shall be completed at least ten days prior to the time of the hearing.

NEW SECTION. Sec. 6. Whenever a hearing is held under this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed special assessments.

NEW SECTION. Sec. 7. If the legislative authority decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after such decision and notice shall be given as prescribed in section 5 of this act, showing the boundary amendments, but no resolution of intention is required.

NEW SECTION. Sec. 8. For purposes of the special assessments to be imposed pursuant to this act, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.



**NEW SECTION.** Sec. 9. The special assessments need not be imposed on different classes of business, as determined pursuant to section 8 of this act, on the same basis or the same rate: PROVIDED, HOWEVER, That the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

**NEW SECTION.** Sec. 10. If the legislative authority, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention pursuant to which it was adopted;

(2) The time and place the hearing was held concerning the formation of such area;

(3) The description of the boundaries of such area;

(4) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the special assessments authorized by section 1 of this act;

(5) The initial or additional rate or levy of special assessment to be imposed with a breakdown by classification of business, if such classification is used; and

(6) A statement that a parking and business improvement area has been established.

(7) The uses to which the special assessment revenue shall be put: PROVIDED, HOWEVER, That such use shall conform to the use as declared in the initiation petition presented pursuant to section 3 of this act.

**NEW SECTION.** Sec. 11. The legislative authority of each city or town or county shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes; however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

The legislative authority may contract with a chamber of commerce or other similar business association operating primarily within the boundaries of the legislative authority to administer the operation of a parking and business improvement area, including any funds derived pursuant thereto: PROVIDED, That such administration must comply with all applicable provisions of law including this act, with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

**NEW SECTION.** Sec. 12. The special assessments levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

**NEW SECTION.** Sec. 13. Collections of assessments imposed pursuant to this act shall be made at the same time and in the same manner as otherwise prescribed by Title 35 RCW or in such other manner as the legislative authority shall determine.

**NEW SECTION.** Sec. 14. Changes may be made in the rate or additional rate of special assessment as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment at least fifteen days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing: PROVIDED, That proceedings to change the rate or impose an additional rate of special assessments shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed increase or additional special assessments.

**NEW SECTION.** Sec. 15. The legislative authority may, for each of the purposes set out in section 1 of this act, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of special assessment within each such benefit zone.

**NEW SECTION.** Sec. 16. All provisions of this act applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 13 of this act. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

**NEW SECTION.** Sec. 17. Businesses established after the creation of an area within the area may be exempted from the special assessments imposed pursuant to this act for a period not exceeding one year from the date they commenced business in the area.

**NEW SECTION.** Sec. 18. The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

**NEW SECTION.** Sec. 19. Upon disestablishment of an area, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such area, shall be subject to disposition as the legislative authority shall determine: PROVIDED, HOWEVER, Any liabilities, either current or future, incurred as a

result of action taken to accomplish the purposes of section 1 of this act shall not be an obligation of the general fund or any special fund of the city or town, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 1 of this act or from special assessments on the property specially benefited within the area.

*NEW SECTION.* Sec. 20. Any city or town or county authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

*NEW SECTION.* Sec. 21. The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 20 of this act is contrary to public policy and is prohibited.

*NEW SECTION.* Sec. 22. This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of counties, cities and towns, but shall be supplemental thereto and concurrent therewith.

The purposes and functions of parking and business improvement areas as set forth by the provisions of this act may be accomplished in part by the establishment of an area pursuant to this act and in part by any other method otherwise provided by law, including provisions for local improvements.

*NEW SECTION.* Sec. 23. 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 provisions to other persons or circumstances is not affected," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator McDougall, the Senate refused to concur in the House amendments to Reengrossed Senate Bill No. 130, and asks that the House recede therefrom.

#### MESSAGE FROM THE HOUSE

April 6, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 156 with the following amendments:

On page 6, section 8, line 12 strike "Fifteen" and insert "Twenty-five"

On page 6, section 8, line 25 strike "Sixty" and insert "Fifty", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Guess, the Senate concurred in the House amendments to Engrossed Senate Bill No. 156.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 156, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senators Day, Odegaard—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Sandison—2.

ENGROSSED SENATE BILL NO. 156, 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 6, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 394 with the following amendments:

On page 1, section 3, line 20 strike "seven" and insert "eleven"

On page 1, section 3, after line 27 insert the following new subsection:

"(f) Four members from the Mexican-American community in the state."

On page 2, section 3, line 6 after "Members" insert "shall serve at the pleasure of the governor and"

On page 2, section 4, line 11 after "(4)" strike "Four" and insert "Six"

On page 2, section 4, line 18 after "RCW" insert a period and strike everything down to and including the word "act." on line 19, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTIONS

On motion of Senator Woodall, the Senate concurred in the House amendments to Engrossed Senate Bill No. 394 except the amendment to page 2, section 3, line 6.

On motion of Senator Woodall, the Senate refused to concur in the House amendment to page 2, section 3, line 6 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 410 with the following amendment:

On page 11, section 18, line 32 of the engrossed bill, after "radio" and before "broadcast" insert "and television", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate concurred in the House amendment to Engrossed Senate Bill No. 410.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 410, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Odegaard, Talley—2.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Durkan, Sandison—2.

ENGROSSED SENATE BILL NO. 410, 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

SENATE CONCURRENT RESOLUTION NO. 26, by Senators Donohue, Durkan and Wilson:

Creating the Agriculture Tax Reform Committee.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 518, by Representatives Smythe and Gilleland:

Providing for equalization by county equalization boards by appeal only.  
Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 688, by Representatives Charette, Wolf, Moon, Schumaker, Bozarth and Barden:

Making supplemental appropriations to the department of natural resources.  
Referred to Committee on Ways and Means—Appropriations.

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 690 was ordered to hold its place on the second reading calendar for Friday, April 9, 1971.

On motion of Senator Mardesich, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Thursday, April 8, 1971.

On motion of Senator Washington, Senate Bill No. 280 was ordered to hold its place on the second reading calendar for Thursday, April 8, 1971.

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 196.

#### SECOND READING

SENATE BILL NO. 98, by Senators Francis, Metcalf and Ridder (by Joint Committee on Education and executive request):

Setting out guidelines for pupil conduct, discipline and rights in the common schools.  
The Senate resumed consideration of Senate Bill No. 98 on second reading.

Senator Francis moved adoption of the following amendment by Senators Stender, Francis, Odegaard and Ridder:

On page 1, following the enacting clause, strike the remainder of the act and substitute:

“Section 1. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees[, and].

(2) [Suspend or expel pupils from school or discipline such pupils upon their refusal to obey the reasonable rules or regulations of such school or as promulgated by the superintendent of public instruction and the state board of education.] *Adopt and distribute to each pupil and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under section 2 of this 1971 amendatory act.*

(3) *Suspend, expel, or discipline pupils in accordance with section 2 of this 1971 amendatory act.*

*NEW SECTION. Sec. 2. The state board of education shall adopt and distribute to all school districts lawful and reasonable rules and regulations prescribing the substantive and procedural due process guarantees of pupils in the common schools.”*

Debate ensued.

Senator Clarke moved adoption of the following amendment to the amendment by Senators Stender, Francis, Odegaard and Ridder:

On page 1, section 1 (2), after “pupil” strike “and parent” and insert “in the fifth grade and above”

Debate ensued.

#### POINT OF INQUIRY

Senator Francis: “Would Senator Clarke yield? Senator, in your experience, have any second or third graders ever created any disciplinary problems or chosen to wear arm bands

in protest of the war or in any other way seemed to need to know a little bit about the rules and regulations of conduct in their school?"

Senator Clarke: "Not that I can recall. I might say that this particular amendment which related to fifth grade and above was arrived at after discussion with Senator Ridder. Now if you feel it should go below that, I would be quite happy to make whatever change you think is desirable. It just seemed to me from a practical standpoint that it was a little silly to be passing out to first, second and third graders, these rules and regulations. You are making them available to parents."

Further debate ensued.

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

On motion of Senator Clarke, the following amendment to the amendment by Senators Stender, Francis, Odegaard and Ridder was adopted:

Amend line 4 of section 1 (4) of the amendment as follows:

After "Adopt and" strike "distribute" and insert "make available"

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Ridder yield? Senator, when the school sends home information on special levies, do they give this information to kids below the fifth grade?"

Senator Ridder: "I have known them to pin it on the blouses of the children and on the shirts of the children to get it home but even then it does not get there."

The motion of Senator Francis carried and the amendment by Senators Stender, Francis, Odegaard and Ridder, as amended by Senator Clarke was adopted on a rising vote.

On motion of Senator Francis, the following amendment to the title by Senators Stender, Francis, Odegaard and Ridder was adopted:

On page 1, line 3 of the title, beginning with "amending", strike the remainder of the title and add "and adding a new section to Title 28A RCW."

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 98 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. 98, and the bill passed the Senate by the following vote: Yeas, 25; nays, 21; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stender, Washington—25.

Voting nay: Senators Cooney, Day, Gissberg, Guess, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—21.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Sandison—2.

ENGROSSED SENATE BILL NO. 98, having received the 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 Greive, Senate Bill No. 59 was ordered to hold its place on the second reading calendar for Thursday, April 8, 1971.

At 12:40 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator McDougall, Senator Holman was excused.

## SECOND READING

SENATE BILL NO. 720, by Senators Washington and Andersen:

Authorizing special license plates for vehicles of historic value.

The Senate resumed consideration of Senate Bill No. 720 on second reading. The committee amendment having been adopted on April 6, 1971 and an amendment pending by Senator Metcalf.

There being no objection, the pending amendment by Senator Metcalf was withdrawn.

Senator Metcalf moved adoption of the following amendment:

On page 2, section 4, line 24 insert as Section 4:

"NEW SECTION. Sec. 4. There is added to 46.16 RCW a new section to read as follows:

Every person who desires a license plate containing his initials or any other combination of letters or numbers, that is consistent with the existing format of three letters and three numbers as prescribed by the director of motor vehicles, may apply to the director for such license plates, and if the director is satisfied that such license plates as requested would be reasonable and proper and would not be a duplication of any other valid license plates, may receive in lieu of regular motor vehicle license plates similar plates bearing the letters or numbers, or combination thereof requested. No combination shall be issued with fewer than six letters and numbers.

Original applicants shall be issued temporary license plates which will serve until such a time as the "personalized plates" can be manufactured by the Washington state prison industries, and processed by the department of motor vehicles. The temporary license plates shall be surrendered to the department at the time the "personalized plates" are issued. Any previously issued license plates assigned to the vehicle involved must be surrendered to the department at the time of issuance of the "personalized plates".

Each time that "personalized plates" are transferred from one vehicle to another, by the owner, a special transfer fee of five dollars shall be collected by the department from that owner. Such special fee shall be deposited in the motor vehicle fund.

In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of thirty dollars in the case of personalized plates.

NEW SECTION. Sec. 5. There is hereby appropriated from the motor vehicles fund the sum of five thousand dollars to carry out the provisions of this act."

Re-number section 4 of the bill as section 6.

## POINT OF INQUIRY

Senator Talley: "I wonder if Senator Metcalf would yield to a question? Senator, I would imagine the state patrol would have more objection to this than anybody else. When they make a radio check on a license number, this is going to cause one of the most confused messes I have ever seen. Because most of your counties have it set up and have their license numbers down there. You will be running these to odd numbers, odd letters into the system. I think it is going to be one heck of a mess."

Senator Metcalf: "I am informed that they will be able to check it through their system with their computer just as simple as it is today. The only difference is this; at the present time if you see a license that starts, for example with a 'B', you know that that is probably a Tacoma license, a Pierce county license. That would not always be true under this bill, in the case that someone might have a personalized plate that starts with a 'B' but that this will not be a major problem. I do not believe it will be a major problem and the highway department did not indicate any problem to us this morning as we discussed it."

Senator Talley: "Have you checked it with the state patrol?"

Senator Metcalf: "I have not discussed this specifically with the state patrol."

Senator Talley: "I would have imagined, and still imagine that they would be very concerned about this."

Senator Metcalf: "They were not against it. The state patrol was not against it two years ago when this did pass the Senate. They did not mention to me at all and that after assignment it passed the Senate and was in a conference committee."

The motion by Senator Metcalf carried and the amendment was adopted on a rising vote.

On motion of Senator Metcalf, the following amendments to the title were adopted:

On page 1, line 2 of the title, after "value;" insert "authorizing personalized plates;"

On page 1, line 3 of the title, strike "and creating new sections" and insert "creating new sections; and making an appropriation"

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No.

720 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. 720, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 6; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Cooney, Greive, Herr, Lewis, McCutcheon, Stender—6.  
Excused: Senators Durkan, Sandison—2.

ENGROSSED SENATE BILL NO. 720, having received the 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. 903, by Senators Peterson (Lowell) and Peterson (Ted):

Permitting a five percent differential on Washington produced fish feed.

The bill was read the second time by sections.

Senator Metcalf moved adoption of the following amendment:

On page 1, section 1, line 13, after "considered" and before the period insert "":  
PROVIDED, That this section shall only apply when feed produced elsewhere has a reciprocal bid preference"

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Metcalf yield? Senator, are you aware of any other state that has the reciprocal bid preference?"

Senator Metcalf: "It was my understanding, Senator Mardesich, that this bill is in response to a bid preference granted in Oregon. That was my understanding as to the purpose of the bill, is that we were responding to bid preference granted in Oregon."

The motion carried and the amendment was adopted.

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed Senate Bill No. 903 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 Ted Peterson yield? Senator, you just said something that sort of pricked my imagination here. My curiosity is that if this goes into effect, is this in effect going to raise the price of the fish food used by the department of natural resources and game and game fish in their fish hatcheries by 4.99 percent?"

Senator Peterson (Ted): "No, Senator, it is not. It is all on open bid and the quality of inspection through our men from the fisheries department. No, it is not going to raise the price at all. In fact, on true and fair bidding, they can possibly be better off than they would on the same quality of fish food."

MOTION

On motion of Senator McDougall, Senator Lewis was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 903, and

the bill passed the Senate by the following vote: Yeas, 26; nays, 16; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Clarke, Connor, Day, Donohue, Dore, Foley, Gissberg, Greive, Guess, Henry, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Stortini, Talley, Walgren, Washington, Whetzel—26.

Voting nay: Senators Andersen, Atwood, Canfield, Elicker, Francis, Gardner, Holman, McDougall, Matson, Murray, Newschwander, Ridder, Scott, Twigg, Wilson, Woodall—16.

Absent or not voting: Senators Cooney, Fleming, Herr, McCutcheon, Stender—5.

Excused: Senators Durkan, Lewis—2.

ENGROSSED SENATE BILL NO. 903, having received the 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 Guess, Senate Bill No. 383 was ordered placed at the beginning of the second reading calendar for Thursday, April 8, 1971.

On motion of Senator Greive, Senate Bill No. 419 was ordered placed at the end of the second reading calendar for today.

### SECOND READING

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore:

Requiring certain insurance coverage for employees of school districts and institutions of higher learning.

### REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 298, requiring certain insurance coverage for employees of school districts and institutions of higher learning (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 14, after "property," strike all language through line 15 up to and including "salary insurance."

On page 2, section 2, line 1, after "property," strike all language through line 2 up to and including "salary insurance."

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendments.

### POINT OF INQUIRY

Senator Mardesich: "Do I understand that this would cover personal injury as well?"

Senator Francis: "Are you referring now to the personal injury to the covered employee or to an injury he might inflict through negligence on someone else?"

Senator Mardesich: "To the covered employee."

Senator Francis: "No, that is what this amendment does is strike out that language that gives him medical, hospital, disability and loss of salary coverage. This strikes that out."

Senator Mardesich: "In lines 7 and 8 and so on, it says they shall provide their employees with insurance protection covering those employees while in the performance of their duties. There is no limitation there as to what type of insurance. I grant you are striking them below but I wonder whether the language above includes every type of insurance."

Senator Francis: "I think that the language on lines 14 through 17 modifies the prior language, in other words describes what kind of coverage they have in connection with their employment. The language you are describing says 'while in the performance of their duties they should be covered'. On lines 14 through 17 we say what kind of coverage they should have in the performance of their duties and we are saying, in effect if you get hurt yourself, that is something that can be resolved in some other way, but if you hurt somebody else and you get sued, you will have insurance coverage for your liability."

Senator Mardesich: "One further question then. Is this a type of coverage required for



state employees? What I am referring to is the language 'shall' on line 7. This is mandating the school boards that they shall provide it."

Senator Francis: "In discussing it in committee and at the hearings, we concluded that there was some basic coverage that we felt any employee was entitled to have. We did not check as to whether everybody else had it. We just felt that as a matter of policy, it is our job to determine what somebody ought to have. We felt that they ought to be covered against suit for personal injury liabilities as a matter of something that was incurred during the course of their employment. It may be that one of the sponsors of the bill would have a more direct answer to your question. I do not know the answer to that."

MOTION

On motion of Senator Francis, Senate Bill No. 298 and the pending committee amendments was ordered placed immediately following consideration of Senate Bill No. 383 on the second reading calendar for Thursday, April 8, 1971.

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 35,  
 SENATE BILL NO. 95,  
 SENATE BILL NO. 156,  
 SENATE BILL NO. 410.

SECOND READING

SENATE BILL NO. 454, by Senators Francis and Day:

Requiring that all prescription medicine be labeled by name and dosage.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 454 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. 454, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 4; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Huntley, Newschwander—2.

Absent or not voting: Senators Elicker, McCutcheon, Ridder, Stender—4.

Excused: Senators Durkan, Lewis—2.

SENATE BILL NO. 454, having received the constitutional 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 Greive, the Senate commenced consideration of Senate Bill No. 419.

## SECOND READING

SENATE BILL NO. 419, by Senators Sandison, Holman, Mardesich, Lewis, Peterson (Ted), Matson, Dore, Woodall, Henry, Whetzel, Andersen, Keefe, McDougall, Stortini, Elicker, Newschwander, Cooney, Peterson (Lowell), Connor, Gissberg, Herr, Gardner, Washington, Fleming, Murray and Ridder (by Council on Higher Education request):

Authorizing tuition supplement program for resident students attending private institutions of higher education.

## REPORT OF STANDING COMMITTEE

March 30, 1971.

SENATE BILL NO. 419, authorizing tuition supplement program for resident students attending private institutions of higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 3, line 15, after "defined in" and before " , as" strike "RCW 28B.15.010" and insert "chapter 28B.15 RCW"

Signed by: Senators Durkan, Chairman; Connor, Day, Dore, Fleming, Gissberg, Guess, Herr, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Washington, Wilson.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 419 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 Canfield: "Mr. President, will Senator Sandison yield? I would like to ask you a question for the record as to whether this bill has been pronounced legal by your committee and by any court of jurisdiction?"

Senator Sandison: "Number one, I am not sure that my committee would be competent to speak to the legality of any bill. However, I might say that this is a bill that came from the council on higher education which as you know is composed of seven lay people, four legislators and the college presidents and the head of community colleges. There was a special committee that worked on this and on that committee was the attorney general, Slade Gorton, and another attorney that was on the committee was the constitutional law professor, Mr. Fletcher from the University of Washington. Both of them were on the committee that referred this to the council for action and in referring it to the council for action they spoke to its legality and said that they felt that this would stand a court test."

## POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Sandison would yield to another question? Senator, under the terms of this bill, the hundred dollars goes to the student. Is that automatically then endorsed over to the college?"

Senator Sandison: "No, it is not. It goes to the student, again as a tuition supplement and he makes his ordinary tuition payment and fee payment to the institution."

Senator Newschwander: "Then that student can use that money for any means that he sees fit?"

Senator Sandison: "Correct. It could be for books or it could be for clothing or anything. We would presume it would be to aid his college education."

Senator Mardesich: "Will Senator Sandison yield? Senator, in looking to the direct language in the bill on page 2, line 1, it says, 'student eligibility shall be determined upon admission to an independent or a private institution' and so on. So his eligibility is determined when a student is 'admitted' and I would like you to tell me or to define what that term means. Does that mean that when I, as a student, get a letter back from a university indicating that I am an acceptable candidate for next year beginning next fall, am I then admitted and does that at that time qualify me to make application for this fund?"

Senator Sandison: "This question was asked before as to what is 'admission'. When a student applies to an institution of higher education and he receives notification of admittance, this is treated as a tentative admittance. When he finally enrolls, pays his tuition, then he becomes an admitted student and of course I would guess would be physically on the campus."

Senator Mardesich: "So that there is no doubt that it is the intent of this law that the

term 'admitted' shall mean after the beginning of a quarter, once a student has paid his fees and classes have begun."

Senator Sandison: "This would be the intent of the sponsors of the bill and the bill drafters, yes."

#### POINT OF INQUIRY

Senator Stender: "Would Senator Sandison further yield to a question? Senator, could you tell me just what the purpose is of making these grants? Is this to financially help the private schools get out of their apparent financial dilemma? Is that part of the reason or all of the reason?"

Senator Sandison: "No, it is not all of the reason, Senator Stender. It is part of the reason. There is now in the private schools of the state of Washington about thirteen thousand Washington state residents that are attending private institutions. It has been a financial drain on them. It has been tough. At the same time, and it can be argued among other things, that their parents have been paying for the cost of the students and other post-high school educational institutions. So there certainly was a desire, I think, to help those students and to try to keep them in these institutions rather than to put them into the already overloaded public institutions. At the same time there was a feeling that these private institutions were in trouble, some of them, and would certainly, anything that would keep students there or might attract more Washington state students to them would not only render a service to the state but would render a financial service to them."

Senators Keefe, Sandison and Holman demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 419.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 419, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 4.

Voting yea: Senators Andersen, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Washington, Whetzel, Woodall—34.

Voting nay: Senators Atwood, Bailey, Canfield, Guess, Huntley, Newschwander, Peterson (Ted), Stender, Twigg, Walgren, Wilson—11.

Absent or not voting: Senators Gissberg, Henry, McCutcheon, Talley—4.

ENGROSSED SENATE BILL NO. 419, having received the constitutional 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 Keefe, Senator Gissberg was excused.

#### SECOND READING

SENATE BILL NO. 456, by Senator Durkan (by State Auditor request):

Transferring certain statutory duties of the state auditor.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 456 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. 456, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—45.

Absent or not voting: Senators Dore, McCutcheon, Whetzel—3.

Excused: Senator Gissberg—1.

SENATE 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.

SENATE BILL NO. 457, by Senator Durkan (by State Auditor request):

Transferring certain statutory duties of the state auditor.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 457 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. 457, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senator Gissberg—1.

SENATE BILL NO. 457, having received the 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 Guess served notice that he would on the next working day move that the Senate reconsider the vote by which Engrossed Senate Bill No. 903 passed the Senate.

#### SECOND READING

SENATE BILL NO. 464, by Senators Washington and Huntley:  
Implementing law relating to school district organization.

#### REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 464, implementing law relating to school district organization (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 22, after "parts of" and before "separate counties" strike "four" and insert "three or more"

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No.

464 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. 464, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall-45.

Voting nay: Senator Wilson-1.

Absent or not voting: Senators Connor, McCutcheon-2.

Excused: Senator Gissberg-1.

ENGROSSED SENATE BILL NO. 464, having received the 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. 480, by Senators Fleming and Mardesich:

Providing that pre-existing disability provisions in insurance contracts shall be void under certain circumstances.

#### REPORT OF STANDING COMMITTEE

March 31, 1971.

SENATE BILL NO. 480, providing that pre-existing disability provisions in insurance contracts shall be void under certain circumstances (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 8 after "insured" and before "and when" strike "in good faith and"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Gardner, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendment was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 480, 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. 480, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Voting nay: Senator Clarke-1.

Absent or not voting: Senator McCutcheon-1.

Excused: Senator Gissberg-1.

ENGROSSED SENATE BILL NO. 480, having received the constitutional 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 Gardner, Senate Bill No. 489 was ordered placed on the second reading calendar immediately following consideration of Senate Bill No. 298 Thursday, April 8, 1971.

#### SECOND READING

SENATE BILL NO. 537, by Senators Francis, Odegaard and Scott (by Superintendent of Public Instruction request):

Authorizing funds for proper student body purposes.

#### REPORT OF STANDING COMMITTEE

SENATE BILL NO. 537, authorizing funds for proper student body purposes  
(reported by Committee on Education):

March 4, 1971,

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 10, after "or other" and before "sources" insert "non-tax"  
Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted),  
Ridder, Stender, Washington.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

#### MOTION

On motion of Senator Francis, Senate Bill No. 537 and the pending committee amendment was ordered held on the second reading calendar for Thursday, April 8, 1971.

SENATE BILL NO. 559, by Senators Atwood, Mardesich and Newschwander:

Implementing duties of legislative budget committee.

#### REPORT OF STANDING COMMITTEE

SENATE BILL NO. 559, implementing duties of legislative budget committee  
(reported by Committee on Ways and Means):

March 24, 1971.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 6, after "committee" strike "at the request of the governor"  
On page 1, section 1, line 9, after "facilities" strike "during periods of economic decline, in like degree and manner as" and insert "up to the amount of reductions which are required by"

On page 1, section 1, line 11, after "governor" strike "are required to restrict expenditures"

On page 1, section 1, line 14, before "by all" strike "equally"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Fleming, Guess, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Washington, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Atwood, the rules were suspended, Engrossed Senate Bill No. 559 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: "Mr. President, a question of Senator Atwood. Senator, isn't it true that you do not reduce in like manner as the Governor does but up to the amount of reduction?"

Senator Atwood: "Right."

Senator Bailey: "In other words, you have the leeway if they come in and make the comment they have to have this in the program, you have the leeway to. . ."

Senator Atwood: "That is right. We also struck the word 'equally', so we will have discretion on how much we want to cut out up to that amount of reduction so it is not in equal proportion. We can take a lesser proportion, say of the insurance commissioner or the treasurer or the attorney general's office or whatever we want to do on that."

Senator Bailey: "And, Senator Atwood, then is it not the intention then of the amendment to make certain that the Governor does not, by setting one standard of cutting, impose his will on the other elected officials?"

Senator Atwood: "That is true. He cannot now, but it does give the budget committee discretion in all of these areas."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 559, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Absent or not voting: Senator McCutcheon-1.

Excused: Senator Gissberg-1.

ENGROSSED SENATE BILL NO. 559, having received the constitutional 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 3:35 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, April 8, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## TWENTY-EIGHTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, April 8, 1971.

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 Senate was in recess until 12:05 p.m. due to a power failure. The President called the Senate to order at 12:05 p.m.

The Color Guard, consisting of Pages John Flora, Color Bearer, and Nancy Andrews, presented the Colors. Pastor Charles Meyers, Emmanuel Baptist Church of Olympia, offered prayer as follows:

"Eternal God and our Father, Thou hast been our dwelling place in all generations. Before the earth came into being or the world ever formed, even from everlasting to everlasting, Thou art God. Great is Thy name in the earth and greatly is it to be praised. We thank You for bringing us to this hour for the business that is before us and we pray for every Senator here this morning. Give them divine insight and grace concerning the business that is set before them on their desks. Be with their families and watch over them. As we have had this demonstration of lights out we realize, Father, that we need light from heaven. We depend upon the power that comes from God because Jesus said, 'Without me you can do nothing'. Cause us, Lord, to remember that we are in divine presence and that He, the One who gives that strength and gives that illumination to our own hearts and intellects and minds and souls that we cannot move or live or have any being without the strength and the mercy and the grace of God.

"Therefore, Father, we pray this day that no time will be lost now, giving grace now to make up for lost time with wisdom and quick action. In Jesus' name. Amen."

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

### REPORTS OF STANDING COMMITTEES

April 7, 1971.

SENATE BILL NO. 756, authorizing the inclusion of employees of any state association of cities and towns in the state-wide city employees' retirement system (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

HOUSE BILL NO. 149, revising the Washington public employees' retirement system (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray.

There being no objection, House Bill No. 149 was referred to the Committee on Ways and Means.

April 6, 1971.

ENGROSSED HOUSE BILL NO. 351, granting immunity to medical professionals bringing charges against fellow professionals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Francis, Holman, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.



April 7, 1971.

HOUSE BILL NO. 373, increasing state patrol retirement benefits (reported by Committee on Public Pensions and Social Security):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 686, changing the judgment creditor's remedies in seeking to enforce a judgment on the judgment debtor (reported by Judiciary Committee):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Durkan, Foley, Twigg, Walgren, Woodall.  
 Passed to Committee on Rules and Joint Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 7, 1971.

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

I have the honor to advise that on April 7 Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 906: Providing for the award of contracts for the construction of ferries to Washington corporations in periods of excessive unemployment.

Sincerely,  
 RICHARD W. HEMSTAD  
 Legal Assistant.

MESSAGES FROM THE HOUSE

April 7, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 196, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 6, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 182 with the following amendments:

On page 3, section 6, after line 22 insert:

"(g) The practice of chiroprody as defined in chapter 18.22 RCW."

On page 5, section 10, line 8 after "accordance with" strike "RCW 18.57.270" and insert "RCW 18.57.180"

On page 6, section 12, after line 4 insert:

"(g) The practice of chiroprody as defined in chapter 18.22 RCW."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 182.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senators Cooney, Gissberg, McCutcheon, Matson, Newschwander, Twigg-6.

ENGROSSED SENATE BILL NO. 182, 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

At 12:15 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 921, by Senator Talley:

An Act relating to higher education; and making an appropriation to Lower Columbia Community College.

Referred to Committee on Higher Education and Libraries.

## SPECIAL ORDER OF BUSINESS

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

The time having arrived the Senate resumed consideration of Engrossed House Bill No. 86 on second reading.

On motion of Senator Francis, the amendments by the Committee on Education were not adopted.

Senator Francis moved adoption of the following amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this [1969 amendatory act] chapter to reorganize existing [offices of county superintendent of schools and county boards of education into] intermediate school district offices in order [that the territorial organization of the intermediate school districts may be more readily and efficiently adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities] to:

(1) Establish intermediate school district offices as regional educational service agencies which will provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties;

(3) Make the territorial organization of intermediate school district offices as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state; and

(4) Provide the pupils within the state with equal educational opportunities.

Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

[(1) On or before July 1, 1969, the state board of education shall create a system of intermediate school districts, the boundaries of each of which shall be compatible with the state-wide plan of potential intermediate districts heretofore adopted by the state board of education pursuant to section 3, chapter 139, Laws of 1965 and RCW 28.19.320. Prior to the creation of such system and the boundaries of the individual intermediate school districts, the state board may make such changes in that state-wide plan and those boundaries as it deems consistent with the purposes stated in RCW 28A.21.010. Prior to the creation of such system and districts the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

(2) The state board of education [may], at any time it deems advisable [,] or upon petition of any intermediate school district board [of education], may make [such] changes in the number and boundaries of the intermediate school districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the intermediate school districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010 [as now enacted or hereafter amended]: PROVIDED, That no intermediate school district may be eliminated through consolidation with another district without the consent of the board of the intermediate school district which would be eliminated. 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.

The state board in [the formation of or] making any change in boundaries [as

provided in subsections (1) and (2) above,] shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

[(3)] The [state] superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable [county or] intermediate school district boards and superintendents to consider the [initial] proposed [plan as provided in subsection (1) above, its districts and] changes [thereto. Such personnel, material, supplies and information shall thereafter be furnished to intermediate school district boards of education and superintendents when proposed changes are in question.

Intermediate districts created pursuant to chapter 139, Laws of 1965 as amended shall be called intermediate school districts and shall be subject to all of the provisions of this 1969 amendatory act].

Sec. 3. Section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this section, in each intermediate school district there shall be an intermediate school district board [of education, which shall] consisting of seven members elected by the voters of the intermediate school district, one from each of seven intermediate school district board-member districts [, such]. Board-member districts [to be] in districts reorganized under section 2 of this 1971 amendatory act, or as provided for in section 4 of this 1971 amendatory act and under this section, shall be initially determined by the state board of education [on or before July 1, 1969]. If a reorganization pursuant to section 2 of this 1971 amendatory act places the residence of a board member into another or newly created intermediate school district, such member shall serve on the board of the intermediate school district of residence until the next general school election at which time a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board member district of two or more board members to coincide, such board members shall continue to serve on the board until the next general school election at which time a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing intermediate school district boards. Each intermediate school district board member shall be elected by the [qualified] registered voters [in his] of the respective board member district [only]. [At least] Beginning in 1971 and every [four] ten years thereafter, intermediate school district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: *PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be redrawn for the purposes of the next general school election immediately following the effective date of this 1971 amendatory act and the next general school election immediately following any reorganization pursuant to this chapter.* Such district board [may], if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, [may] shall decide such questions.

Election of board members shall be held at the time of the general school election [commencing with the general school election of 1969]. Such election shall be called and notice thereof given by the county auditor of each county in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official who conducts the general school election for first class school districts.

Filing for candidacy for the intermediate school district board shall be with the county auditor of the headquarters county of the intermediate school district not more than sixty days nor less than forty-six days prior to the general school election, and the auditor shall certify the names of candidates to the officials conducting the elections in the board-member districts [, except that for the elections to be conducted in November, 1969, the filings shall be with the county auditor of the most populous county in the intermediate school district who shall make such certifications].

The term of office for each board member shall be four years and until [his] a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each intermediate school district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years.

Any intermediate school district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions numbered eight and nine shall be filled at the next general school election, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

The term of every intermediate school district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken [at which time the term of all existing county or intermediate district board members shall terminate and all duties of county board members affecting the county office shall be assumed by the new intermediate school district board serving those counties. Each intermediate school district board shall be organized at the first meeting of the board after the beginning of such term]. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by

the intermediate school district board [of education]. In the event that there are more than three vacancies in a *seven-member board* or *four vacancies* in a *nine-member board*, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until the next general school election, at which time there shall be elected a member to fill the unexpired term.

[After July 1, 1969, the then incumbent county and intermediate district board members who reside in the newly created intermediate school districts shall meet at the call of the then incumbent intermediate district superintendent or county superintendent of the most populous county in the newly created district, and elect from among their number board members for the new district, one from each board member district, to serve until the new intermediate school district board assumes office.]

No person shall serve as an *employee of a school district* or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an intermediate school district board at the same time.

**NEW SECTION.** Sec. 4. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Any intermediate school district board which elects under section 3 of this 1971 amendatory act to increase the size of the intermediate school district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven intermediate school board members. In such case the term of office of all existing intermediate school board members shall expire at the next general school election and seven intermediate school board members shall be elected in accordance with the provisions of section 3 of this 1971 amendatory act.

**NEW SECTION.** Sec. 5. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Absence of any intermediate school district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the intermediate school district board to declare by resolution that such board member position is vacated.

Sec. 6. Section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040 are each amended to read as follows:

Every school district must be included entirely within a single intermediate school district [and within a single board member district thereof]. If the boundaries of any school district within an intermediate school district are changed in any manner so as to extend the school district beyond the boundaries of that intermediate school district, the state board shall change the boundaries of the intermediate school districts so affected [so that all of the school district as constituted by such change of boundaries shall be included within one intermediate school district] in a manner consistent with the purposes of section 1 of this 1971 amendatory act and this section.

Sec. 7. Section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for member of the intermediate school district board [of education] shall be a [qualified] registered voter and a resident of the board-member district for which [he] such candidate files [, and shall not be an employee of any school district]. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington [,] and to faithfully discharge the duties of [his] the office according to the best of [his] such member's ability. The members of the board shall not be required to give bond unless so directed by the state board of education. At the first meeting after each general school election and after the qualification for office of the newly elected members, each intermediate school district board shall reorganize by electing a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

Sec. 8. Section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060 are each amended to read as follows:

[All members of the intermediate school district board of education shall be reimbursed for their travel expenses and subsistence while engaged in the performance of their duties under this 1969 amendatory act in accordance with expenses allowable under RCW 43.03.050 and 43.03.060, as now or hereafter amended.] *The actual expenses of intermediate school board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended: all such claims shall be approved by the intermediate school district board [of education] and paid from the budget of the intermediate school district.*

Sec. 9. Section 7, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070 are each amended to read as follows:

Every intermediate school district board [of education] shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. [The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate

district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions the existing superintendents within the intermediate school district shall continue to receive the salary of that office as prescribed by law existing immediately prior to April 25, 1969 to be paid by such intermediate school district. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents within the district and, thereafter, such chairman shall represent such superintendents in matters of concern to the intermediate school district.]

Sec. 10. Section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080 are each amended to read as follows:

To be eligible for appointment to the office of intermediate school district superintendent, in addition to *any other requirements under other provisions of the law*, a candidate must have [completed five years of regular, accredited work in one or more recognized institutions of higher learning; have a valid principal's or] a superintendent's credential of the state of Washington [, and have three or more years' experience in educational administration in the common schools or in the office of a county or intermediate district superintendent or office of an intermediate school district superintendent] *or meet other criteria specifically established by the state board of education as representing appropriate training and qualification for the office of intermediate school district superintendent*; but anyone serving as a legally qualified county or intermediate district superintendent or deputy county or intermediate district superintendent in the state of Washington on April 25, 1969 may be deemed qualified to hold the office of intermediate school district superintendent.

**NEW SECTION.** Sec. 11. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties as provided by law, every intermediate school district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the intermediate school district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the intermediate school district.

(3) Establish cooperative service programs for school districts within the intermediate school district: **PROVIDED**, That on matters relating to cooperative service programs the board and superintendent of the intermediate school district shall seek the prior advice of the superintendents of local school districts within the intermediate school district.

**NEW SECTION.** Sec. 12. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties as provided by law, every intermediate school district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.71.100 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in chapter 28A.13 RCW and the state supervisor of recreation as provided in chapter 28A.14 RCW.

(3) Apportion such school funds other than state funds as otherwise authorized by law in a manner not in conflict with state or federal law or rules and regulations relating to the distribution and apportionment of such school funds.

(4) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(5) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in sections 29 and 30 of this 1971 amendatory act.

Sec. 13. Section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090 are each amended to read as follows:

*In addition to other powers and duties as provided by law, every intermediate school district board [of education] shall [have the following additional powers and duties]:*

(1) Advise with and pass upon the recommendations of the intermediate school district superintendent in the preparation of [manuals, courses of study, and] rules and regulations for the circulating libraries *established pursuant to RCW 27.16.010*.

(2) [Adopt rules and regulations as it shall deem necessary for the schools of the intermediate school district, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction.

(3)] Approve the budgets of the intermediate school district [, and certify to the board or boards of county commissioners the amount needed from county funds and to the

state board of education the estimates of special service funds needed] in accordance with the procedures provided for in this chapter.

[(4)] (3) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman [,] or a majority of the board [,] or the intermediate school district superintendent].

[(5) Assist the intermediate school district superintendent in] (4) Approve the selection of intermediate school district personnel and clerical staff as provided in [RCW 28A.21.100] section 16 of this 1971 amendatory act.

[(6)] (5) Fix the amount of and approve the bonds for those intermediate school district [superintendent's bond] employees designated by the board as being in need of bonding.

[(7) Exercise careful supervision over the common schools of the district and see that all provisions of the common school laws are observed and followed by teachers, supervisors, superintendents and school officers.

(8) Hear and decide all disputes concerning conflicting or incorrectly described school district boundaries.

(9) Hear and act upon appeals as provided in RCW 28A.88.020.]

(6) Keep in the intermediate school district office a full and correct transcript of the boundaries of each school district within the intermediate school district.

[(10)] (7) Acquire by purchase, lease [or] , devise, bequest, and gift and otherwise [,] contract for real and personal property necessary for the operation of the intermediate school district and to the execution of the duties of the board and superintendent thereof [,] and [to] sell, lease, or otherwise dispose of that property not [so] necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.

[(11)] (8) Adopt such bylaws [,] and rules and regulations for its own [government] operation as it deems necessary or appropriate.

[(12)] (9) Enter into contracts, including contracts with common and intermediate school districts for the joint financing of cooperative service programs conducted pursuant to section 11(3) of this 1971 amendatory act, and employ consultants and legal counsel relating to any of the duties, functions, and powers of the intermediate school districts.

NEW SECTION. Sec. 14. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties prescribed by law every intermediate school district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at state-wide meetings of intermediate school district board members.

(2) Pay dues from intermediate school district funds in an amount not to exceed three hundred dollars per board per year for membership in a state-wide association of intermediate school district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the intermediate school district boards within the state.

NEW SECTION. Sec. 15. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Each intermediate school district board, by written order filed in the headquarters office, may delegate to the intermediate school district superintendent any of the powers and duties vested in or imposed upon the board by this 1971 amendatory act or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the intermediate school district superintendent in the name of the board.

Sec. 16. Section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100 are each amended to read as follows:

The intermediate school district superintendent may appoint with the consent of the intermediate school district board of education a deputy superintendent, assistant superintendents, and such other professional personnel and clerical help as may be necessary to perform the work of [his] the office at such salaries as may be determined by the intermediate school district board of education [,] and shall pay such salaries out of the budget of the district. [All assistant intermediate school district] The deputy superintendent[s] shall qualify in the same manner as the intermediate school district superintendent; and in the absence of the intermediate school district superintendent the deputy superintendent shall perform the duties of the office. The intermediate school district superintendent if there be no deputy superintendent shall have the authority to appoint [a qualified deputy] on an acting basis an assistant superintendent to perform any of the duties of the office.

Sec. 17. Section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110 are each amended to read as follows:

In addition to other powers and duties as provided by law, each intermediate school district superintendent shall:

(1) Serve as chief executive officer of the intermediate school district and secretary of the intermediate school district board.

(2) Visit the public and nonpublic schools in [his] the intermediate school district, counsel with directors and [teachers] staff, and assist in every possible way to advance the educational interest in [his] the intermediate school district.

(3) [Distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions, rules and regulations, and decisions of the superintendent of public instruction, as provided by law; enforce any outline course of study adopted by the state board of education or course of study adopted by any other lawful authority, and enforce any rules and regulations promulgated therefor] *Perform such record keeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.*

(4) [Keep on file and preserve in his office the biennial reports of the superintendent of public instruction and such other reports pertinent to the operation of his intermediate district.

(5) Keep records of [his] official acts [and those] of the intermediate school district board and superintendents in accordance with section 18 of this 1971 amendatory act.

[(6)] (5) Preserve carefully all reports of school officers and teachers and [at the close of his term of office] deliver to [his] the successor of the office all records, books, documents, and papers belonging to the office either personally [,] or through [his] a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where [his] the office is located.

[(7)] (6) Administer oaths and affirmations to school directors, teachers, and other persons on [all] official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

[(8)] Suspend any teacher who may be teaching in his district, against whom he files charges; in case of any such suspension he shall immediately notify the superintendent of public instruction of his action and shall clearly and fully state his reasons for his action.

(9) Keep an official record of all persons under contract to teach in the schools of his intermediate school district, showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school with the length of term in days.

(10) Make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks and such other matters as the superintendent of public instruction shall direct.

(11) Keep in his office a full and correct transcript of the boundaries of each school district in the intermediate school district, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of the county in which the affected districts are located, and shall file with them a complete transcript of the boundaries of all school districts therein affected by his action, which shall be entered upon the journal of that board and become a part of its records. In the event of a dispute over such boundaries, the intermediate school district board shall hear and decide the matter. The intermediate school district superintendent shall, on request, furnish school district clerks with descriptions of the boundaries of their respective districts.

(12) Apportion school funds in the manner not in conflict with state law or the rules or regulations relating to distribution and apportionment of school funds.

(13) Conduct such examination of teachers and make such records thereof as may be prescribed by law. He shall give ten days' notice of each examination by publication in some newspaper of general circulation published in each county in his district, or if there be no newspaper, then by posting up handbills, or otherwise.

(14) Hold teachers' institutes according to law, and conduct such other meetings of the teachers of his intermediate school district as may be for the best interests of the schools; and attend other meetings and conferences which may be of benefit to the schools of his intermediate school district.

(15) Hold at his option each year, one or more school directors' meetings.

(16) Furnish free of charge teachers' registers, clerks' record books, and other materials received free of charge from the superintendent of public instruction to all districts of his intermediate school district.

(17) Counsel with school boards on selection of school sites and whenever any board of directors of a school district of the third class shall be authorized, by the electors of that district, to erect a school building. It shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the intermediate school district superintendent, of the plans and specifications for the building to be erected, and the superintendent shall give special attention to the provisions made therein for heating, lighting and ventilation.

(18) Require all reports of school district officers, teachers and others to be made promptly as required by law.

(19) [(7)] Require the oath of office of all school district officers be filed in [his] the intermediate school district office [,] and [shall] furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is

located [ , upon blanks furnished by the superintendent of public instruction,] as soon as the election or appointment of such officers is determined and their oaths placed on file.

[(20) Prepare an annual budget for the district for approval by the intermediate school district board of education.

(21) Serve as a member of the transportation commission as provided by RCW 28A.24.080.

(22) (8) Assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

[(23) Cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28A.13.020.

(24) Cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28A.14.020.

(25) (9) Enforce the provisions of the compulsory attendance law as provided in chapters 28A.27 and [chapter] 28A.28 RCW.

[(26) Certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(27) (10) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.56 RCW.

[(28) (11) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.57 RCW.

[(29) (12) Perform all other duties prescribed by law [or] and the intermediate school district board.

Sec. 18. Section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120 are each amended to read as follows:

The intermediate school district board [of education] shall designate the headquarters office of the intermediate school district. The board of county commissioners in each county shall provide the intermediate school district superintendent and employees with suitable quarters and office for the operations of the intermediate school district. Official records of the intermediate school district board and superintendent, [and of] including each of the county superintendents [of counties within the intermediate school district, shall prior to January 1, 1971, be transferred to and thereafter] abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the intermediate school district superintendent. [Where a county is divided into two or more intermediate school districts] Whenever the boundaries of any of the intermediate school districts are reorganized pursuant to section 2 of this 1971 amendatory act, the state board of education shall supervise the transferral of such records so that each intermediate school district superintendent shall receive those records relating to school districts within [his] the appropriate intermediate school district.

Sec. 19. Section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130 are each amended to read as follows:

For all actual and necessary travel in the performance of [his] official duties and while in attendance upon meetings and conferences, each intermediate school district superintendent and [his necessary assistants] employee shall be [allowed] reimbursed for their actual traveling expenses and subsistence [in accordance with] up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. All claims shall be approved by the intermediate school district board [of education] and paid from the funds budgeted by the district. Each intermediate school district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

NEW SECTION. Sec. 20. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for intermediate school districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW.

Sec. 21. Section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170 are each amended to read as follows:

The biennial budget request of [the] each intermediate school district shall be approved by the respective intermediate school district board [of education]. The budget shall] and then [be] forwarded to the [state board of education] superintendent of public instruction for [its] revision and approval as provided in section 22 of this 1971 amendatory act. [Moneys received from the state superintendent of public instruction shall be paid to the county treasurer in the county where in the intermediate school district headquarters office is located to be credited to intermediate school district special service fund, and the county treasurer of that county shall be the custodian of the fund, and the auditor of that county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.]

Sec. 22. Section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140 are each amended to read as follows:

The [state board of education] superintendent of public instruction shall examine and revise the biennial budget request of each intermediate school district and shall fix the amount to be [allocated thereto from] requested in state funds [and certify to the state superintendent of public instruction the amount of state funds needed] for the intermediate school district [budgets as approved by the state board of education,] system from the



legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each intermediate school district and shall [require the state superintendent of public instruction to] allocate [this amount from the current state school fund or] quarterly the state's portion from funds [otherwise] appropriated for that purpose to the county treasurer of the headquarters county of the intermediate school district for deposit to the credit of the intermediate school district [special service] general expense fund.

In each intermediate school district, there [is hereby created] shall be an intermediate school district [special service] general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this [1969 amendatory act] chapter, and such moneys as are [not specifically] allocated from the county current expense funds, the county institute funds, the county circulating library funds and other funds of the intermediate school district, and such moneys shall be expended [by warrants drawn by the county auditor of the headquarters county of the intermediate school district upon vouchers approved] according to the method used by first or second class school districts, whichever is deemed most feasible by the intermediate school district board [, except as otherwise provided in this 1969 amendatory act.]. No vouchers for warrants other than moneys being distributed to the school districts [.] shall be approved for expenditures not budgeted by the intermediate school district board.

Sec. 23. Section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160 are each amended to read as follows:

[By January 11, 1971,] All funds under the control of the office of each [county superintendent or county board of education of each county combined into an] intermediate school district shall be combined into the intermediate school district general expense fund[s] and deposited in the office of the county treasurer of the county in which the intermediate school district headquarters office is located [, except that where a county becomes a part of two or more intermediate school districts, then only a portion of the funds of the office of county superintendent and county board of education shall be combined into the funds of each intermediate school district. The portion of such funds to be combined shall be determined as follows:

(1) Of the current expense fund of the county superintendent, that amount representing the same proportion as the assessed valuation of the property for tax purposes of the portion of the county being combined into the intermediate school district is to the assessed valuation of all county property.

(2) Of the county superintendent's special service fund, an amount determined by the state board of education.

(3) Of the county institute fund, the amount representing the same proportion as the number of teachers employed by school districts in the portion of the county being combined into the intermediate district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund]. The superintendent of public instruction, by rule or regulation, shall provide by an established formula for the proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more intermediate school districts. In case the boundaries of any of the intermediate school districts are changed, the superintendent of public instruction shall order an equitable transfer of such funds from one intermediate school district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county commissioners of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more intermediate school districts under section 24 of this 1971 amendatory act.

Sec. 24. Section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180 are each amended to read as follows:

The county commissioners of each county for those elections held prior to July 1, 1974 shall pay the election costs of intermediate school board elections and shall pay each year prior to 1974 from their county current expense fund to the intermediate school district [current] general expense fund of the intermediate school district or districts in which the county is located not less than the amount which the county appropriated to the budget of the county superintendent and/or intermediate district [superintendent] or districts and/or intermediate school district or districts for the year 1969, and for calendar year 1974 this payment shall be reduced to one-half the previous year's payment and shall be paid prior to July 1, 1974. [Where only a portion of a county is a part of an intermediate school district, the amount to be paid by the county commissioners to the intermediate school district shall be based on an amount not less than that appropriated to the budget of the county or intermediate district superintendent for the year 1969 and determined by a ratio as described in RCW 28A.21.160 (1).] In addition the county commissioner of each county shall pay prior to July 1, 1974 for services other than those of the county treasurer, auditor, and prosecutor provided to any county and/or intermediate district or districts and/or intermediate school district or districts for the year 1969 but not included in the 1969 budget of any county and/or intermediate district or districts and/or intermediate school district or districts. The county treasurers, auditors, and prosecutors shall provide their services prior to July 1, 1974 without charge to the intermediate school districts.

The superintendent of public instruction and the governor shall request from the 1973 and 1975 legislatures sufficient state funds to replace those county funds and services no

*longer mandated by this 1971 amendatory act. The joint committee on education shall present to the 1973 legislature necessary legislation to divorce intermediate school districts from financial and legal ties to counties by July 1, 1974.*

**NEW SECTION.** Sec. 25. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Possession and title to any and all personal property or equity in such property purchased in whole or part with county, state, school district, or federal funds, or any combination of the above, for the use of direct benefit of an office of county superintendent or intermediate district and used and/or in the possession of such office fifty percent or more of the time during the period of January 1, 1969 through July 1, 1969, shall immediately be transferred to and vested in the intermediate school district encompassing the largest percentage of the common school students in the respective county. In the event of dispute regarding the transfer of property, the county board of commissioners or the intermediate school district board, within thirty days after the effective date of this 1971 amendatory act, may require the governor to form an arbitration committee to decide the dispute within sixty days of the request. Decisions of the arbitration committee shall be final. The committee membership shall consist of one member appointed by the governor, who shall serve as chairman of the arbitration committee and shall call its first meeting; one member appointed by the affected board of county commissioners; and one member appointed by the affected intermediate school district board: **PROVIDED**, That no member of the arbitration committee shall be a member of the appointing boards: **PROVIDED FURTHER**, If necessary to order an equitable transfer of property or equity in such property, the arbitration committee may waive any of the provisions of this section regarding use or possession of such property.

**NEW SECTION.** Sec. 26. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the county committee on school organization after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board of education for its approval or revision. Upon receipt of notification of state board of education action, the county committee on school organization shall transmit to the county commissioners of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 27. Section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190 are each amended to read as follows:

The prosecuting attorney for the county in which the headquarters office of the intermediate school district office is located [shall], if required by law to devote full time to the duties of his office, as a part of his duties, *shall serve upon request* as legal advisor to the intermediate school district board and superintendent in all matters relating to their official business. When requested by such board or superintendent, [he] *the prosecuting attorney* shall draw all instruments, give legal advice, and represent such board or superintendent with respect to all such matters and business: **PROVIDED**, *That if the prosecuting attorney of the headquarters county is not required by law to devote full time to the duties of his office, then the prosecuting attorney of the county with the greatest population within the intermediate school district and who is by law required to devote full time to his duties shall act as the legal advisor to the district board and superintendent.* The prosecuting attorneys of other counties within an intermediate school district, if required by law to devote their full time to the duties of their office, shall be available to assist the headquarters county prosecuting attorney with respect to such matters and business: **PROVIDED**, *That on matters deemed of state-wide concern by the superintendent of public instruction or the state board of education, the superintendent or board may request the attorney general to provide written legal opinions regarding any matter before any intermediate school district.*

Sec. 28. Section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220 are each amended to read as follows:

The superintendents of all local school districts within an intermediate school district shall serve in an advisory capacity to the intermediate school district board and superintendent in matters pertaining to *budgets, programs, policy, and staff.*

**NEW SECTION.** Sec. 29. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

**NEW SECTION.** Sec. 30. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to

assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

Sec. 31. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The intermediate school district [superintendent must] *board* may arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training [,] in such manner and at such time as [he] *the board* believes will be of benefit to the teachers [of] *within* the intermediate school district. [He] *The board* may provide such additional means of teacher in-service training as [he] *it* may deem necessary or appropriate and there shall be a proper charge against the intermediate school district institute funds *and/or the intermediate school district general expense fund* when approved by the intermediate school district board.

Intermediate school district [superintendents] *boards* of contiguous intermediate school districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the intermediate school districts [superintendents] holding such joint institutes or workshops.

In *local school* districts employing more than one hundred teachers, the school district superintendent [, in his discretion,] may hold a teachers' institute of [two, three, four or five] *one or more* days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by intermediate school district superintendents.

Sec. 32. Section 28A.23.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes [,] for purposes of state reimbursement of transportation costs [,] shall be recommended by the [intermediate] school district transportation commission *in each school district* and approved by the [state] superintendent of public instruction pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall be *appointed by the superintendent of public instruction and shall consist of* (1) a representative of the local board of directors, (2) a representative of the [state] superintendent of public instruction, and (3) a representative of the intermediate school district [superintendent] *board*.

Sec. 33. Section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050 are each amended to read as follows:

The intermediate school district [superintendent] *board*, after verifying such reports as provided for in RCW 28A.44.080 as *hereinafter amended*, shall certify, on or before the fifteenth day of August each year, to the appropriate county commissioners [, and to the county commissioners of such other counties as any high school district of his district may have claims against under the provisions of RCW 28A.44.045 through 28A.44.100,] the amount of each such high school district claim for the cost of educating nonresident high school pupils [, and]. Such county commissioners are [hereby] authorized to levy and shall levy a tax up to the amount permissible under RCW 84.52.050 [,] against all nonhigh school districts in their respective counties in the aggregate amount as certified to them by the intermediate school district [superintendent,] *board*. Such levy [to] *shall* be made at the same time and in the manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils the intermediate school district [superintendent] *board* shall [take] *compute* the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state [current school] and receipts from the real estate transfer tax as provided in chapter 28A.45 RCW, *and* such difference [to] *shall* be multiplied by the days of attendance of nonresident high school pupils in each case. Such amount, when ascertained and certified as provided in this section, shall constitute a valid claim against the high school district fund hereafter provided for in this section. The above tax shall be collected at the same time and in the same manner as other taxes are collected [,] and shall be segregated by the appropriate county treasurer into a fund which shall be designated as the high school district fund [and which]. *Such fund* shall be used only for reimbursing high school districts for the cost of educating nonresident high school pupils whose legal residence shall be in a nonhigh school district.

Sec. 34. Section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060 are each amended to read as follows:

The state board of education shall provide each intermediate school district [superintendent] *board* in the state with a copy of the rules and requirements for the classification of districts and [said board], on or before the first day of July of each year, shall certify to every intermediate school district [superintendent] *board* in the state a complete list of all high school districts in [his] *the* district.

Sec. 35. Section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070 are each amended to read as follows:

Each intermediate school district superintendent, on or before the first day of September, shall certify to the appropriate county assessors, the county treasurers, the county auditors, and the boards of county commissioners, a complete list of all high school districts and all nonhigh school districts in [his] *the counties within the intermediate school district.*

Sec. 36. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district [,] shall certify under oath, as a part of [his] *an annual report to the intermediate school district [superintendent] board to be made on or before the fifteenth day of July [,] as required by law, the following facts as nearly as the same can be ascertained: [First, the*

(1) *Name, post office address, county [and number of], resident school district [if obtainable,] and the days of attendance of each nonresident high school pupil [,] who is not a resident of another high school district [,] and is enrolled in the high school, or high schools, of [his] the district during the school year [, with the days of attendance of each such nonresident high school pupil. Second,.]*

(2) *The cost per pupil per day of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item [shall], as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.*

Sec. 37. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090 are each amended to read as follows:

The intermediate school district [superintendent] *board, on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in [his district] the county from the high school district fund [,] and [also] the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from nonhigh school districts of [his district] the county as certified by the intermediate school district [superintendent] board of such county to the appropriate county commissioners.*

Sec. 38. Section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100 are each amended to read as follows:

At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the high school district fund [,] or such prorated portion thereof as may be in such fund at the time. [He shall] *The county treasurer, at the same time, shall transfer to the credit of the high school district fund of other counties such amounts [, or prorated portions thereof as may be in the high school district fund of his county,] as may be due the high school district fund of such other county or prorated portions thereof as may be in the high school district fund of the county as certified by the intermediate school district [superintendent he is acting for] board*

Sec. 39. Section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186 are each amended to read as follows:

Whenever any board of directors of school districts of the third class shall be authorized by the electors of their districts to erect a school building, [it shall be the duty of] such board, before entering into any contract for the erection of any such building, [to] *shall obtain the approval of the intermediate school district [superintendent] board of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating, and safety thereof.*

Sec. 40. Section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010 are each amended to read as follows:

Any person, or person, either severally or collectively, aggrieved by any decision or order of any school official or [school] board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the [proper officer or board as hereinafter in this chapter provided] *superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.*

Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapter 28A.58 RCW therefor and in all other cases shall be governed by this chapter 28A.88 RCW.

**NEW SECTION.** Sec. 41. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official's expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct.

**NEW SECTION.** Sec. 42. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

**NEW SECTION.** Sec. 43. Moneys in any intermediate school district special service fund on the effective date of this 1971 amendatory act shall be transferred to the intermediate school district general expense fund created in section 22 of this 1971 amendatory act by the appropriate county treasurer and after such date there shall be no intermediate school district special service fund.

**NEW SECTION.** Sec. 44. The following acts or parts of act are each hereby repealed:

- (1) Section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150;
  - (2) Section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230;
  - (3) Section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020;
  - (4) Section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040;
  - (5) Section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050;
  - (6) Section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060;
  - (7) Section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070;
  - (8) Section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080;
- and

- (9) Section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073.

**NEW SECTION.** Sec. 45. If any provision of this 1971 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. 46. This 1971 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."

Strike all of the title and insert the following:

"An Act relating to education; amending section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030; amending section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040; amending section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060; amending section 7, chapter 176, Laws of 1969 ex. sess., as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070; amending section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080; amending section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090; amending section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100; amending section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110; amending section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120; amending section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130; amending section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140; amending section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160; amending section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170; amending section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180; amending section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190; amending section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080; amending section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050; amending section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100; amending section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186; amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended

by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100; amending section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW; repealing section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230; repealing section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230; repealing section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020; repealing section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040; repealing section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050; repealing section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and 28A.88.060; repealing section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070; repealing section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080; repealing section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073; and declaring an emergency."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Francis yield? Senator, you have mentioned the transfer of county property to the intermediate school districts and it says prior to the year 1969, any property acquired prior to that time would be transferred to the intermediate school district. Would this include automobiles and office equipment?"

Senator Francis: "Senator Bailey, I do not know about automobiles. It does include office equipment. The amendment that we adopted was the one which, I can read you, it is very brief: 'PROVIDED FURTHER, if necessary to order an equitable transfer of property or equity in such property, the arbitration committee may waive any of the provisions of this section regarding use or possession of such property.' You may recall most of that was handled in the original bill and in the pre-existing legislation. Senator Odegaard I think may be prepared to answer in more detail but I do not know about automobiles at all."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, would Senator Odegaard yield? Senator, it was my understanding this bill was to provide for the transfer of educational type of equipment or whatever it was that was used for educational purposes to the intermediate school district after so long a time and if it was used prior to 1969. In your interpretation of it, does this mean that they would transfer county owned automobiles, county owned desks and typewriters and things of that sort to the intermediate district?"

Senator Odegaard: "Senator Bailey, I believe that automobiles would be included. It does state 'possession entitled to any and all personal property or equity in such property purchased in whole or in part with county', and so on. Whether automobiles for sure, I cannot say but I do know my main concern was and a particular problem we had in Lewis county was not an automobile and so I have not checked into that to be specific but we had a concern with other equipment. That is why I recommended to the committee the proposed amendment that Senator Francis spoke to here, that the arbitration committee could waive provisions of this section to try to keep everybody happy here, the county and the intermediate school district. Without this provision it could mean that a county or an intermediate school district might take possession of something that was in joint ownership with the county, even though the county had half interest in it. That has been a particular case in Lewis county. The county has half interest in an offset press and has paid for the upkeep, paid half the cost, and so it was the thought that the intermediate school district should not take over the offset press entirely without some arbitration allowed with the county. That was my reason for this particular amendment."

Debate ensued.

Senator Gardner moved adoption of the following amendment to the amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington:

On page 2, section 2, line 22 after "amended" strike all of the material down to and including "eliminated" on line 25.

Debate ensued.

The motion failed and the amendment to the amendment was not adopted.

Senator Gissberg moved adoption of the following amendment to the amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington:

On page 13, strike lines 6 through 13.

The motion carried and the amendment to the amendment was adopted.

## POINT OF INQUIRY

Senator Stender: "Mr. President, I had a question I would like to ask Senator Francis. On page 9 of the bill, section 10 provides for the appointment of the intermediate superintendent and I notice that the language of the old bill or the present bill has been stricken. This is the part that is stricken on line 19: 'and have three or more years experience in educational administration in the common schools or in the office of the county or intermediate district superintendent or office of the intermediate school district superintendent'. That is stricken out and new language is added to provide that only presently certified and trained, special training and qualifications for the superintendent's office would be eligible for appointment as intermediate. What purpose does this quick change in our law have?"

Senator Francis: "Senator, this issue has not been raised before but the way I see it is that it gives a little more discretion, a little more flexibility to the board that is making the appointment. Instead of tying their hands so completely and instead of spelling out so many requirements, simply saying they have to meet all legal requirements and have a superintendent's credential. Other than that they can pick the person they think is the best man and I always believe in allowing them some discretion in this area and I think that was the purpose."

Senator Stender: "The old language, or the present law, says a candidate must have completed five years of regular and accredited work in one or more recognized institutions of higher learning and have a valid principal's or a superintendent's credentials in the state of Washington."

"Now this amendment has the effect of cutting out any consideration of any principal. Isn't that true?"

Senator Francis: "No, I think, as a matter of fact I think you have to have a principal's credential before you can have a superintendent's credential, I may be wrong on that but I believe that is correct and I think that is why that language was regarded as surplus. In addition, the five years of accredited work in an institution of higher learning is also surplus for the same reason."

Senator Stender: "My question is, presently the law allows a principal who has had experience to be considered as an intermediate superintendent but that is closed off by this amendment. Isn't that true?"

Senator Francis: "If we are doing away with county superintendents, of course, that thing is going to eventually be obsolete and having had to have experience as an intermediate district superintendent before you can be appointed to an intermediate school superintendent would make it kind of impossible to bring anybody new in."

## MOTION

On motion of Senator Atwood, Engrossed House Bill No. 86 and the pending amendment, as amended, was ordered to hold its place on the second reading calendar for Monday, April 12, 1971.

## SECOND READING

SENATE BILL NO. 383, by Senators Holman, Guess and Day:  
Implementing law relating to community college bonding authority.

## REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 383, implementing law relating to community college bonding authority (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, section 3, line 27, after "trustees" and before the comma insert "of community colleges"

On page 6, section 3, line 30, after "facilities" and before the period insert "other than dormitories"

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

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

Senator Peterson (Ted) moved adoption of the following amendment:

On page 6, section 3, line 28, after the word "fees" add the following: ", or may utilize all or a portion of the student and activities fee"

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Will Senator Ted Peterson yield? Senator, if this is necessary why wasn't it proposed in the bill when the bonding people were consulted on the bill? Does this come from expert testimony?"

Senator Peterson (Ted): "Yes, it does, Senator. In Spokane on their parking facilities there, they were not sure that the bonding company would accept the funds as they were and this just assured the bonding company on that parking facilities that it would be full coverage and that the student fees will back this amount of money to cover this parking utility."

Senator Bailey: "Mr. President, I would like to hear from Senator Sandison as to what this might do to the other community colleges in addition to just the parking lot at Spokane."

Senator Sandison: "Mr. President, would Senator Ted Peterson yield to a question? As I understand the amendment, having glanced at it again, it means that they could use the entire student fee that they charge for this parking facility in Spokane?"

Senator Peterson (Ted): "That is right. It just assures them they can go right up to the full fee for that facility."

Senator Sandison: "What would be the situation then, if I might ask a second question, if they had already committed part of the fee?"

Senator Peterson (Ted): "They would agree, and I agree that that would be the case but this just assures them that they can go up to the full, the additional part of the fees, to cover this so that the bond would be covered and protected. This is just an insurance for the bonding company is all."

Senator Sandison: "Again, if I might ask another question, is there fear that the board of trustees would not allocate sufficient moneys to render debt service to the bonds? Is that it?"

Senator Peterson (Ted): "It was just the fear that they would not be fully protected on the bonds. This is the way the bonding company wanted it and for that reason they wrote it in this way, Senator."

## MOTIONS

On motion of Senator Sandison, Senate Bill No. 383, and the pending amendment by Senator Peterson (Ted) was held for the second reading calendar, Monday, April 12, 1971.

On motion of Senator McDougall, Senators Newschwander and Whetzel were excused.

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore:

Requiring certain insurance coverage for employees of school districts and institutions of higher learning.

The Senate resumed consideration of Senate Bill No. 298 on second reading from Tuesday, April 7, 1971 and the pending amendments by the Committee on Education.

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

Senator Mardesich moved adoption of the following amendments:

On page 1, section 1, line 8, after "while" strike all the matter down to and including "part thereof," on line 10 and insert "engaged in"

On page 1, section 1, line 17, after "property" insert "incurred while so engaged"

Debate ensued.

## POINT OF INQUIRY

Senator Stender: "Will Senator Mardesich yield? Senator, my question is, you apparently are limiting the liability coverage to employees to the particular maintenance of order and discipline. Could not there be other liabilities arise otherwise that an employee would normally be protected for in other areas?"

Senator Mardesich: "For one, it was my impression when the purposes of this measure were explained, it was that we were to protect employees against damages caused to their properties or to damages they might do while incurred in the preservation of order and discipline, and to merely limit it to that particular area is what I am doing with my amendment."

"Now further, with respect to your question, it would seem to me that any liabilities they might incur outside of doing this type of thing would be strictly minimal in nature. The real danger, if any, lies while trying to maintain order and discipline."

Senator Stender: "One further question. You are a lawyer, Senator, and as I recall some four years ago we took the exemptions off of schools as far as the tort acts of the state are concerned and if an employee of the school were sued otherwise, would the school district now be obligated to defend in relation to any act of an employee of the school?"

Senator Mardesich: "Sure. As a practical matter, my lawyer tells me right offhand, and I agree with him, that the suit would be joined. The person who was injured would sue both



the school board and the individual. I would see very rare instance when a good lawyer on the opposition side would choose to sue the individual and not include the board because he has not broadened the full scope of the potential assets. Which any good lawyer does."

Senator Stender: "Then one more question. If this bill with your amendment is passed, or with or without the amendment, the school district would still be named in any suit where there is a liability on the part of an employee, wouldn't it? Then why do we have to have another provision for liability insurance when the school district is going to have to cover themselves as well as employees when they get their policies, aren't they?"

Senator Mardesich: "My suggestion is again that you vote against the entire bill. I was merely trying to limit it to what the stated purpose was. I think as a practical matter that the school districts do insure themselves against liability of this sort."

Senator Stender: "For itself as well as its employees?"

Senator Mardesich: "Right. Now there could in fact arise a situation where a person injured might sue just the employee of the school district and not the school district in that event, this would be insurance which would cover that employee as distinguished from covering the employer as well. However, I would say that would be a rare instance where a lawyer would not sue both."

The motion by Senator Mardesich carried and the amendments were adopted.

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

On page 1, section 2, line 22, after "while" strike all the matter down to and including "thereof," on line 24 and insert "engaged in"

On page 2, line 3, after "property" insert "incurred while so engaged"

#### MOTION

On motion of Senator Washington, Senate Bill No. 298 was made a special order of business for 3:45 p.m. today.

SENATE BILL NO. 489, by Senator Gardner:

Providing for child visitation rights on the part of parents and other persons having an interest in the welfare of the child.

The bill was read the second time by sections.

On motion of Senator Lewis, the following amendment was adopted:

On page 1, section 1, line 10, after "court," insert "custody and/or"

Senator Ridder moved adoption of the following amendment:

On page 1 after section 1, add a new section as follows:

"Sec. 2, Section 11, chapter 215, Laws of 1949 and RCW 26.08.110 are each amended to read as follows:

In all cases where the court shall grant a divorce or annulment, it shall be for cause distinctly stated in the complaint, proved, and found by the court. Upon the conclusion of a divorce or annulment trial, the court must make and enter findings of fact and conclusions of law. If the court determines that either party, or both, is entitled to a divorce or annulment, judgment shall be entered accordingly, granting the party in whose favor the court decides a decree of full and complete divorce or annulment, and making such disposition of the property of the parties, either community or separate, as shall appear just and equitable, having regard to the respective merits of the parties, to the condition in which they will be left by such divorce or annulment, to the party through whom the property was acquired, and to the burdens imposed upon it for the benefit of the children, and shall make provision for costs, and for the custody, support and education of the minor children of such marriage. Such decree as to alimony and the care, custody, support and education of children may be modified, altered and revised by the court from time to time as circumstances may require. Such decree, however, as to the dissolution of the marital relation and to the custody, management and division of property shall be final and conclusive upon both parties subject only to the right to appeal as in civil cases, and provided that the trial court shall at all times including the pendency of any appeal, have the power to grant any and all restraining orders that may be necessary to protect the parties and secure justice. *In all cases where the court must determine the custody of minor children there shall be no presumption that the welfare of the minor children will be best served by awarding such custody to one parent rather than the other.*"

Debate ensued.

Senator Andersen demanded a roll call and the demand was sustained by Senators Talley, Metcalf, Atwood, Stortini, Connor, Matson, Lewis, Clarke and Scott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Ridder failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 29; absent or not voting, 2; excused, 2.

Voting yea: Senators Dore, Elicker, Francis, Gardner, Greive, Guess, Holman, Mardesich, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Scott, Stortini, Woodall—16.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Gissberg, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Peterson (Lowell), Sandison, Stender, Talley, Twigg, Walgren, Washington, Wilson—29.

Absent or not voting: Senators Henry, McCutcheon—2.

Excused: Senators Newschwander, Whetzel—2.

On motion of Senator Gardner, the rules were suspended, Engrossed Senate Bill No. 489 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. 489, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—46.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Newschwander, Whetzel—2.

ENGROSSED SENATE BILL NO. 289, having received the 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 Durkan: "Mr. President, the proposed Senate Ways and Means Committee budget has been printed. There are copies of the bill, a copy of the Legislative Budget Committee memo on the bill, a memorandum on the public assistance section of the bill, and the spread sheet of the bill. It is my intention to deliver twenty copies to the minority caucus room and twenty-nine copies of each to the majority caucus room. Various members of the Senate have expressed to me their concern that they be given an opportunity to examine the bill in depth. I have talked with Senator Atwood and I have agreed that we will handle the bill on Monday. You will have an opportunity between now and Monday to examine the bill and determine the issues that you would like to raise in the Senate Ways and Means Committee at such time. There will be no meeting of the Senate Ways and Means Committee until Monday afternoon."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Durkan yield? Senator Durkan, when do you plan to take up the bill in the Ways and Means Committee?"

Senator Durkan: "I will take it up Monday afternoon. I am going to ask the majority leader and Senator Bailey that we come in and come on the floor and then recess to handle the bill."

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 182.

#### MOTIONS

On motion of Senator Bailey, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Monday, April 12, 1971.

On motion of Senator Washington, Senate Bill No. 280 was ordered to hold its place on the second reading calendar for Friday, April 9, 1971.

SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore:

Requiring certain insurance coverage for employees of school districts and institutions of higher learning.

The time having arrived, the Senate resumed consideration of Senate Bill No. 298 on second reading.

Senator Day moved adoption of the following amendment:

Following section 1, insert the following:

"Sec. 2. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 8, Laws of 1971 and RCW 28A.58.420 are each amended to read as follows:

The board of directors of any of the state's school districts may make available liability, life, health, *health care*, accident, disability and salary *protection or insurance* or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute [toward] *all or a part of the cost of such [life, health, accident, disability and salary] protection or insurance [, including hospitalization and medical aid] for the employees of their respective school districts and their dependents [in an amount not to exceed ten dollars per month per employee covered.], except the premiums on such liability insurance shall be borne by the school district. The premiums due on such [life, health, accident, or disability and salary] protection or insurance shall be borne by the assenting school board member or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.*

Sec. 3. Section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 237, Laws of 1969 ex. sess. and RCW 28B.10.660 are each amended to read as follows:

The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, *health care*, accident, disability and salary *protection or insurance* or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees, students and employees of the institution, and their dependents. Whenever funds shall be available for these purposes, the regents or trustees of any of the state's institutions of higher education may contribute [toward] *all or a part of the cost of such [life, health, accident, disability and salary] protection or insurance [, including hospitalization and medical aid,] for the employees of their respective institutions and their dependents [in an amount not to exceed ten dollars per month per employee covered.], except the premiums due on such liability insurance shall be borne by the university or college. The premiums due on such [life, health, accident, or disability and salary] protection or insurance shall be borne by the assenting regent, trustee or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW."*

Renumber old section 3 as section 4.

POINT OF INQUIRY

Senator Gissberg: "Senator Day, as I read this for the first time, it would appear that you are removing the restriction on the amount of contributions by the school board toward the premiums. The existing law proscribes that amount to be not in excess of ten dollars per month per employee covered.

"Now then I am afraid with this kind of thing we are going to be putting more cost on the school district, more pressures on the school district, to fund this on behalf of the employee, to bear the full cost of the premium and it will result, I would guess, in a tremendously difficult financial problem for the school district. Or at least another added burden on the school district to fund this type of an insurance policy. Obviously they would not cancel one out."

Senator Day: "Of course, it was optional to go up to the ten dollars. It is optional if they go over the ten dollars. I would like to point out that by giving a school teacher, just the same as we have done for state employees, by giving an employee the premium in this fashion, not only does the employee not have to pay taxes on this bequest but in addition, the employee and the employer do not have to pay social security on the money so it gives the school board an option to provide this type of increment or additional insurance really

without expending as much fund. It also gives the teacher the option of taking it and as I said, circumventing any taxes that are paid on it and so forth. I feel that it is a good amendment and I think it will allow the school board the discretion and if they do not want to do it, they do not have to."

#### POINT OF INQUIRY

Senator Jolly: "Would Senator Day yield? Senator, as I read this, the school board could insure everyone, students, dependents, everything."

Senator Day: "Of course, it has to do with health care and when you buy a health care package, the health care package may include the wife or husband of the school teacher and the children. Of course, I believe the reason it is written that way is because the health care contract usually extends itself to other than the employee himself."

Senator Jolly: "As I read this, this takes in more than health care. It takes in liability, life, health, health care, accident, disability and salary protection. Could they take it out for this whole group?"

Senator Day: "Of course what you are looking at is the old language in the law. The underlined language, that is presently in the law. You now have added health care to accident and disability and salary protection which were already in the law."

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Day yield? Senator, in view of the fact that this is not the matter which we have been discussing in the Ways and Means Committee and its budgetary effect, would you have any strong feeling if we were to restore the language on lines 24 and 25 placing a limitation of ten dollars per month per employee covered, which would in effect then allow the broadening of the insurance but not allow, at this time at least without knowing where we are going, the broadening in the spending authority?"

Senator Day: "Yes, I would object to that. I think that if we want to write additional restrictions in there that we could restrict it possibly at fifteen or twenty dollars but I believe it really destroys one of the major components of the bill if you restrict it to the identical language that is in it at the moment. I point again that at least the first section pertains to local school boards so that it would give them an option in awarding this type of protection to the employee."

Senator Mardesich: "Since we will be considering this matter on Monday in the Committee on Ways and Means, would you have any objection to a motion to hold it until Monday?"

Senator Day: "Is it in the Ways and Means Committee now?"

Senator Mardesich: "Oh no, Monday is the big Ways and Means Committee meeting."

Senator Day: "All right. I will agree to holding it over until Monday."

#### MOTION

On motion of Senator Mardesich, Senate Bill No. 298 and the pending amendment by Senator Day was ordered held on the second reading calendar for Monday, April 12, 1971.

SENATE BILL NO. 59, by Senators Woodall, Cooney, Twigg and Greive (by Legislative Council request):

Establishing a judicial retirement system.

The Senate resumed consideration of Senate Bill No. 59 on second reading having been held from April 6, 1971.

On motion of Senator Woodall, the following amendment was adopted:

On page 6, section 10, line 9, after "of" strike "actual"

Senator Woodall moved adoption of the following amendment by Senators Woodall and Dore:

On page 9, section 22, line 29, beginning with the words "Any member" strike the remainder of the section and insert the following language:

"(1) Any member of the Washington public employees' retirement system who is eligible to participate in the judicial retirement system may, by written request filed with the retirement boards of the two systems respectively, transfer such membership to the judicial retirement system. Upon the receipt of such request, the board of the Washington public employees' retirement system shall transfer to the board of the Washington judicial retirement system (1) all employee's contributions and interest thereon belonging to such member in the employees' savings fund and all employer's contributions credited or attributed to such member in the benefit account fund and (2) a record of service credited to such member. One-half of such service shall be computed and not more than twelve years shall be credited to such member as though such service was performed as a member of the

judicial retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judicial retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of this 1971 act, he shall upon request therefor be repaid from the judicial retirement fund an amount equal to the amount of his employee's contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys.

(2) Any member of the judicial retirement system who was formerly a member of the Washington public employees' retirement system but who has terminated his membership therein under the provisions of chapter 41.40 RCW, may reinstate his membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judicial retirement system in accordance with subsection (1) above by making full restoration of all withdrawn funds to the employees' savings fund. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) and the provisions of RCW 41.40.120 (3) shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present members of the Washington public employees' retirement system who are eligible to participate in the judicial retirement system.

(3) Any member of the judicial retirement system who has served as a judge for one or more years and who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or the time of the admission of the employer into the Washington public employees' retirement system, may—upon his payment into the judicial retirement fund of a sum equal to 5% of his compensation earned for such prior public service—request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judicial retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system."

Debate ensued.

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

On motion of Senator Woodall, the rules were suspended, Engrossed Senate Bill No. 59 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 Washington, Senator Francis was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 59, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Absent or not voting: Senators Donohue, Lewis, McCutcheon—3.

Excused: Senators Francis, Newschwander, Whetzel—3.

ENGROSSED SENATE BILL NO. 59, having received the 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 Committee on Commerce and Regulatory Agencies was relieved of further consideration of House Bill No. 684.

On motion of Senator Mardesich, House Bill No. 684 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

At 4:15 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Friday, April 9, 1971.

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

## TWENTY-NINTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, April 9, 1971.

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 Donohue, Durkan, Gardner, Keefe and Matson. On motion of Senator Knoblauch, Senators Donohue, Durkan, Gardner and Keefe were excused. On motion of Senator McDougall, Senator Matson was excused.

The Color Guard, consisting of Pages DeWayne Strange, Color Bearer, and Cindy West, presented the Colors. Senator Robert Ridder, offered prayer as follows:

"Dear God, we thank You this morning for this opportunity to gather together. O God, in light of Thy promise to us that where two or more are gathered together in Thy name, Thou will be with us. O God, we pray that through the deliberations this day that You visit with us and You touch our shoulders and invest us with the strength to meet the problems of this day. Strengthen us that Thy will will be done on this earth. We ask this this morning in the name of Jesus Christ, our Lord, Amen."

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

With leave of the Senate, business was suspended to permit the President to introduce Howard Volland of Monroe, Washington and a former Senate employee who is now a cadet at West Point Military Academy.

### REPORTS OF STANDING COMMITTEES

April 7, 1971.

SENATE BILL NO. 347, regarding regulation of beauticians and manicurists (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, McDougall, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SENATE BILL NO. 503, allowing a woman to keep her maiden name upon marriage (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Atwood, Durkan, Foley, Francis, Holman, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

SENATE BILL NO. 596, regulating insurance holding companies (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Without recommendation.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Foley, Huntley, Knoblauch, McDougall, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

LETTER OF INFORMATION

April 8, 1971.

THE HONORABLE JOHN CHERBERG,  
CHAIRMAN, SENATE COMMITTEE ON RULES AND JOINT RULES,  
WASHINGTON STATE SENATE,  
OLYMPIA, WASHINGTON.

DEAR CHAIRMAN CHERBERG:

Submitted herewith, including a "Without recommendation" report, is SENATE BILL NO. 596.

This bill has been passed in form by adoption as an amendment to SENATE BILL NO. 380. There being no further need for the Committee on Commerce and Regulatory Agencies to consider the measure, it is submitted to the Committee on Rules and Joint Rules.

Very truly yours,

AUGUST P. MARDESICH

Chairman, Senate Committee on Commerce and Regulatory Agencies.

April 7, 1971.

SENATE BILL NO. 656, amending the law on the state fire marshal (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

SENATE BILL NO. 658, providing that manufacturers of retail goods be identified (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SECOND SUBSTITUTE HOUSE BILL NO. 594, prohibiting discrimination based on sex, race, creed, color or national origin (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Durkan, Foley, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

ENGROSSED HOUSE BILL NO. 636, modifying the law on pesticide application (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

HOUSE BILL NO. 676, licensing of commercial feed lots and identification of cattle therein (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

HOUSE BILL NO. 705, amending certain regulations of public livestock markets and powers of director of agriculture (reported by Committee on Agriculture and Horticulture):  
Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

ENGROSSED HOUSE BILL NO. 743, exempting executive assistants for personnel administration and labor relations from the provisions of the state civil service law (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Henry.

Passed to Committee on Rules and Joint Rules for second reading.

### MESSAGES FROM THE HOUSE

April 8, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 35,  
SENATE BILL NO. 95,  
SENATE BILL NO. 156,  
SENATE BILL NO. 410,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 8, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 300 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Peterson (Lowell), the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 300 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. 300 and the Senate amendments thereto: Senators Donohue, Clark and Gissberg.

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

### NOTICE OF MOTION TO CHANGE SENATE RULES

Notice is hereby given that on or after Friday, April 16, 1971, the undersigned will move to amend Rule 58 of the 1971 Senate Rules as follows:

On page 291 of the 1971 Legislative Manual add a new paragraph to Rule 58 as follows:

A member or members of the House of Representatives may join in sponsoring a senate bill, resolution, or memorial endorsed by a senator as the principal sponsor. /s/ JONATHAN WHETZEL.

### MOTIONS

On motion of Senator Greive, Senate Bill No. 690 was ordered to hold its place on the second reading calendar for Tuesday, April 13, 1971.

On motion of Senator Murray, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Tuesday, April 13, 1971.



On motion of Senator Washington, Senate Bill No. 280 was ordered to hold its place on the second reading calendar for Tuesday, April 13, 1971.

SECOND READING

SENATE BILL NO. 537, by Senators Francis, Odegaard and Scott (by Superintendent of Public Instruction request):

Authorizing funds for proper student body purposes.

The Senate resumed consideration of Senate Bill No. 537 and the pending committee amendment from April 7, 1971 on second reading.

On motion of Senator Ridder, the committee amendment was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 537 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 Gissberg: "I think the bill does more than that, Senator, it might be all right, but of course now student body fees are outside the control of any board of directors of any school district and you are putting those fees under the control of the board of directors. What the reason for it I have not heard explained yet but perhaps somebody has some reason that it ought to be. For instance, I would suppose that the football proceeds and that sort of thing is different from the ASUW, but I would think that they do have some activities fees that the students control themselves but why do they want to place it under the board of directors?"

Senator Ridder: "This is the board of directors of any school district. It has nothing to do with the university or any higher education. Personally, this is not my bill, it is Senator Francis' bill and I just rose to assist. I would presume that it would be better to wait unless one of the sponsors would speak on it."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 537, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall-42.

Absent or not voting: Senators McCutcheon, Twigg-2.

Excused: Senators Donohue, Durkan, Gardner, Keefe, Matson-5.

ENGROSSED SENATE BILL NO. 537, having received the 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. 567, by Senators Talley, Washington and Huntley:  
Providing partial state support for the Puget Island ferry.

REPORT OF STANDING COMMITTEE

March 10, 1971.

SENATE BILL NO. 567, providing partial state support for the Puget Island ferry (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, beginning on line 10, strike all of subsection (2) and insert the following:

"(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway

commission shall pay to Wahkiakum county from monies appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971.

Additionally, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway commission upon the receipt of a properly executed voucher: PROVIDED, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.

(4) There is appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1973, the sum of forty thousand dollars or so much thereof as may be necessary to carry out the provisions of this section."

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Elicker, Herr, Huntley, McDougall, Matson, Murray, Scott, Stender, Talley, Walgren, Whetzel.

The bill was read the second time by sections.

Senator Washington moved adoption of the committee amendment.

On motion of Senator Gardner, the following amendment to the committee amendment was adopted:

Amend line 23 of the Transportation Committee Amendment as follows:

After "county" and before the period insert "subject to the approval of the Washington state highway commission"

The motion by Senator Washington carried and the committee amendment, as amended, was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 567 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. 567, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Dore, McCutcheon—2.

Excused: Senators Donohue, Durkan, Gardner, Keefe, Matson—5.

ENGROSSED SENATE BILL NO. 567, having received the 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. 579, by Senators Bailey and Twigg (by Department of Commerce and Economic Development request):

Allowing cities, towns and counties to expend funds on tourist promotion.

The bill was read the second time by sections.

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 579 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. 579, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senator McCutcheon-1.

Excused: Senators Donohue, Durkan, Gardner, Keefe, Matson-5.

SENATE BILL NO. 579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 817, by Senators Ridder and Peterson (Ted):

Providing for the licensing of game farmers.

The bill was read the third time.

MOTIONS

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 817 was returned to second reading.

On motion of Senator Canfield, the following amendment was adopted:

On page 2, section 3, line 25, after "thereto" insert " PROVIDED, That any person who keeps wild animals, wild birds or game fish solely for pets or as a hobby and not for sale or exchange shall not be considered a game farmer and shall not be required to obtain a license to keep said animals, birds or fish"

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

On page 2, section 13, line 13, after "breed, keep" strike "or" and insert "and"

On page 3, section 5, line 16, after "raising" and before "of" insert "and sale"

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 817 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. 817, and the bill passed the Senate by the following vote: Yeas, 38; nays, 3; absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson-38.

Voting nay: Senators Cooney, Henry, Woodall-3.

Absent or not voting: Senators Connor, McCutcheon, Talley-3.

Excused: Senators Donohue, Durkan, Gardner, Keefe, Matson-5.

ENGROSSED SENATE BILL NO. 817, having received the constitutional 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 McDougall, Senator Huntley was excused.  
There being no objection, the Senate returned to the seventh order of business.

## SECOND READING

SENATE BILL NO. 594, by Senators Sandison, Holman, Matson, Atwood, Wilson and Foley (by Joint Committee on Higher Education request):  
Defining "resident" and "non-resident" for college and university fee purposes.

## REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 594, defining "resident" and "non-resident" for college and university fee purposes (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 7, strike the words "has not attained the age of twenty-one years" and substitute therefor the words "is not deemed and taken to be of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended"

On page 5, section 4, strike all of subsection (3) on lines 7 and 8 and insert the following:

"(3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington so long as such veteran is receiving federal vocational or educational benefits conferred by virtue of his military service."

On page 5 add a new section following section 6 as follows:

"NEW SECTION. Sec. 7. This 1971 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."

In line 3 of the title after the semicolon and before "repealing" strike "and"

In line 4 of the title after "RCW 28B.15.010" and before the period insert "; and declaring an emergency"

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

Senator Sandison moved adoption of the committee amendments.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Sandison yield? You say, 'for all purposes'. Then as long as you have the beer disability or the liquor disability, I take it they would still be classified in the same category they are now in or did you mean to say if they attained voting rights? It seems to me when you say full privileges, the way you have it worded, it would not apply as long as they were denied the right of drinking. Perhaps you would want to consider changing that so it would reflect voting rights."

Senator Sandison: "Thank you, Senator Woodall. It may be that your point is well taken on that. Perhaps Senator Holman who also worked on the bill and worked on this particular amendment will respond."

Senator Holman: "Senator Woodall, we had a great deal of difficulty with this because the bill as it originally was presented to the committee, trying to define the term 'minor', originally said a person who has attained the age of twenty-one. Obviously that language will not work under present conditions. Then we decided to make it eighteen. The trouble with eighteen is that under our legislation there are several things that an eighteen-year-old cannot do. So we decided that the best way to handle it was to say that it is the age at which you are taken to be of full age and majority for all purposes. Now that may not be eighteen at the moment but it might be some day."

Senator Woodall: "Senator Holman, then I take it the present language is meaningless until such future date as eighteen-year olds both vote and have the right to go into taverns and beer parlors because they do not have all the privileges of adults at this moment."

Senator Holman: "That is the way I would understand it and therefore they would continue to be minors for this limited purpose of this bill."

The motion by Senator Sandison carried and the committee amendments were adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, section 2, line 25, after "institution" and before the period insert "and has established an intention to become a bona fide resident of this state for other than educational purposes"

Senator Andersen moved adoption of the following amendment to the amendment by Senator Mardesich:

In line 4 of the Mardesich amendment strike "resident" and insert "domiciliary"

POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Mardesich if this amendment is adopted, will we only have freshmen out-of-state students paying tuition? Does this mean that we blanket in all sophomores, juniors and seniors and graduate students to be residents of the state of Washington?"

Senator Mardesich: "I am saying that I think if you do not adopt an amendment such as this you have eliminated the non-resident student except for the new one who has come in as a freshman and he has only been eliminated under the supreme court decision for one month because on page 4 you establish that registration to vote is prima facie evidence of an establishment of a domicile so one month of residency, a registration for vote, and you are qualified."

The motion by Senator Andersen carried and the amendment to the amendment by Senator Mardesich was adopted.

The amendment by Senator Mardesich, as amended, was adopted.

On motion of Senator Sandison, the committee amendment to the title was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 594 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 Andersen: "Before the roll is called, would Senator Sandison yield to a question? Senator, as chairman of the committee that has been in contact with these institutions of higher learning, I would like to ask you a question.

"I have been concerned in the past over some of the college people just closing their eyes to who is a non-resident student and who is a resident student. In effect a non-resident student, on the campus just says, 'I am a resident,' and then everybody closes his eyes to it and so he becomes a resident.

"Now I understand that this particular bill is aimed at getting some uniformity and some specificity into the law relating to this particular subject. Do you feel, Senator, from your contacts with these institutions that they are going to really try to do what the legislature wants them to do, to make sure that a non-resident student pays a non-resident tuition fee and the actual resident student is the only one who pays a resident fee?"

Senator Sandison: "Yes, Senator Andersen. First, let me say I agree with you that there probably have been abuses in all the institutions of higher education. Because of lack of guidelines they have taken a great deal of liberty in their interpretations of an out-of-state student and they sometimes made him a resident very easily. I think if we can depend on what the people who were representative of the institutions can say, that they all have agreed with this and have told us in the hearing that they would go along, or their representatives have. I think that frankly the interim Committee on Higher Education, and also the Council on Higher Education are going to watch this very closely, as I am sure the Budget Committee will in the future."

Senator Andersen: "Perhaps, Senator Sandison, in further elucidation of my question to you, I might suggest that maybe a transcript of these questions and answers at the time this bill is being passed, along with a copy of the bill, might perhaps appropriately be addressed by you to the various members of the college administrations here in this state so that they understand that this is the intent of the legislature and we are very serious about this."

Senator Sandison: "I think it is a good idea, yes."

POINT OF INQUIRY

Senator Metcalf: "Will Senator Sandison yield? Senator, I am concerned about non-resident students coming in who are real—well, the kind we call the crazies, the real disruptors, and I thought of trying to put an amendment on this bill to require that those students be not registered if there is an indication that they are in fact what they are. This is an important bill and I did not want to get into that controversy on the bill, but at the present time do the universities have the power to refuse admission to anyone they consider to be a disruptive student or one who has been expelled from another institution?"

Senator Sandison: "I have asked this question, Senator Metcalf. They are not sure whether or not their power will hold up in court but they have all exercised this to some extent."

Senator Metcalf: "Then in following that up, would it help them in their court proceedings if we would move this bill back to second reading and put on an amendment such as 'PROVIDED, That no student shall be admitted whose transcript or record indicates expulsion from any institution of higher learning in the past two years?' Would this help them in court?"

Senator Sandison: "I would not think this would be the proper vehicle to do it. As you know that is a problem of grave constitutionality and I think it should be a bill all of its own."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 594, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Donohue, Durkan, Gardner, Huntley, Keefe, Matson—6.

ENGROSSED SENATE BILL NO. 594, having received the 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. 605, by Senators Day, Mardesich and Twigg:  
Providing for the licensing and regulation of hulk haulers.

### REPORT OF STANDING COMMITTEE

April 2, 1971.

SENATE BILL NO. 605, providing for the licensing and regulation of hulk haulers (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of the department of motor vehicles.

NEW SECTION. Sec. 2. Any hulk hauler licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any abandoned automobile hulk in a flattened condition, whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document(s) to the department of motor vehicles, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law.

**NEW SECTION.** Sec. 3. Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the hulk hauler or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a member of the state patrol certifying that the applicant can be found at the address shown on the application, and;

(4) Any other information that the director may require.

**NEW SECTION.** Sec. 4. Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order issue a hulk hauler's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time.

**NEW SECTION.** Sec. 5. A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to section 2 of this act and upon payment of a fee of ten dollars.

Whenever a hulk hauler shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director.

**NEW SECTION.** Sec. 6. The hulk hauler shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

**NEW SECTION.** Sec. 7. If for a good and sufficient cause the director has reason to believe that the application for a hulk hauler's license or renewal of a hulk hauler's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a hulk hauler's license whenever he shall have reason to believe that such hulk hauler has:

(1) Wilfully misrepresented the physical condition of any motor vehicle transported;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title, registration, or document releasing any interest in a vehicle;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director, after such hearing, decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay.

**NEW SECTION.** Sec. 8. The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

**NEW SECTION.** Sec. 9. It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state.

**NEW SECTION.** Sec. 10. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter.

**NEW SECTION.** Sec. 11. Nothing contained in this chapter shall be construed to

prohibit any individual from towing any vehicle owned by him to any junk yard or scrap processor.

*NEW SECTION.* Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 46 RCW.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Mardesich, the following amendment to the title was adopted:

On line 2 of the title, after "haulers" insert "and scrap processors"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 605 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Day yield? Senator, who is responsible then to report to the department of motor vehicles?"

Senator Day: "That is the reason we put the processor in the amendment and licensed him also. He is responsible to report."

#### POINT OF INQUIRY

Senator Andersen: "Will Senator Day yield to a question? Senator Day, I have seen, and I am sure everybody here has, some of these hulk haulers as you call them, driving down the highway with these flattened cars piled with some rather extreme heights and held on with one or two cables or chains and the load just sways back and forth to the point where you go past it, you hold back and go by him at ninety miles an hour just to get the heck out of the way.

"Now, do I understand the terms of this act that the department is being given full authority to make rules and regulations in order to see to it that the safety of the highway users are protected by these people?"

Senator Day: "I believe they already have that power and this would not abrogate any of those existing rules. It would be up to the state patrol to enforce the proper hauling. All this will do is allow them to haul this particular type of material. So they definitely would be under all the regulations concerning the hauling of any type of heavy freight. They would have to be properly battened down."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 605, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

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

Excused: Senators Donohue, Durkan, Gardner, Huntley, Keefe, Matson—6.

ENGROSSED SENATE BILL NO. 605, having received the constitutional 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 McDougall, Senator Newschwander was excused.

SENATE BILL NO. 606, by Senators Day, Twigg and Mardesich:  
Providing for the removal of abandoned junk motor vehicles.



## REPORT OF STANDING COMMITTEE

April 1, 1971.

SENATE BILL NO. 606, providing for the removal of abandoned junk motor vehicles (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 13, after "the" and before "of way" strike "righty" and insert "right"

On page 2, line 3 after "means" strike the remainder of the sentence and insert: "a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage."

On page 2, line 6 after "law," strike the remainder of the section and insert: "any law enforcement officer having jurisdiction or any person authorized by the director of motor vehicles shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less."

On page 2, line 19, strike all of section 3.

Re-number the remaining section consecutively.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Wilson: "Senator Day, I was not aware that you were combining all these amendments under one consideration and before you advance the bill, I wonder if, with your permission, if Senator Mardesich would yield to a question?"

"Senator Mardesich, on innumerable occasions you have corrected errors and mistakes in bills of mine. I notice that you are not only a sponsor of this one but also that it went through your committee. Therefore I would imagine you would assume full responsibility for its present content as well as the content of the amendments. My question is relating to the amendment which seeks to authorize persons appointed by the director of motor vehicles as well as local officials to authorize the disposal of junk cars. That phase of the amendment strikes the entire remainder of the section after the first few words. By striking the entire remainder of the section, are you not also deleting a requirement that local officials report these activities to the state to clear its records and are you not also deleting the provision that the moneys arising from the disposal of junk cars should be deposited in the county general fund? If so, was it your intent to delete those provisions or do we have here an instance of sloppy draftsmanship?"

Senator Mardesich: "I think you are absolutely correct. I think maybe we should have not stricken the balance of the section but the balance of the paragraph and we could correct it by rewording that to read paragraph rather than section."

On motion of Senator Day, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 2, line 6 by striking "section" in the second line and inserting "paragraph".

The committee amendment, as amended, was adopted.

There being no objection, Senate Bill No. 606, as amended, was ordered held on today's second reading calendar following consideration of Senate Bill No. 648.

SENATE BILL NO. 619, by Senators Stortini and McDougall (by Department of Social and Health Services request):

Relating to employee's records.

## REPORT OF STANDING COMMITTEE

March 22, 1971.

SENATE BILL NO. 619, relating to employee's records (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 14, after "duties" and before the period insert "when authorized by the director of the state agency by which they are employed"

On page 1, section 1, line 19, after "authorization" and before the comma insert "from the director of the state agency by which they are employed" section 2, line 2, after "duties" insert "when authorized by the director of the state agency by which they are employed"

Signed by: Senators Walgren, Chairman; Day, Gardner, Gissberg, Henry, Jolly.

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 rules were suspended, Engrossed Senate Bill No. 619 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: "Mr. President, would Senator Stortini yield? Senator, in the past I have had some connection with the department of labor and industries where a person was injured, he had a back injury for instance, and would go into a non-covered employment such as working in agricultural pursuits. Will this enable the department to go in to those types of non-covered jobs and examine the books to determine whether or not a man who is on industrial insurance, on industrial compensation, has in fact been working for a non-covered agency?"

Senator Stortini: "Yes, Senator Guess, RCW 51.28.070 already covers this and this simply puts it down and brings it into conformity itself."

Senator Guess: "Fine, thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 619, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Waigren, Washington, Whetzel, Wilson, Woodall—40.

Voting nay: Senators Clarke, Gissberg—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Donohue, Gardner, Huntley, Keefe, Matson, Newschwander—6.

ENGROSSED SENATE BILL NO. 619, having received the 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. 619 passed the Senate.

SENATE BILL NO. 648, by Senators Durkan, Atwood and Dore (by Attorney General request):

Creating the legal services revolving fund in the state treasury.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, Senate Bill No. 648 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. 648, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Dore, Durkan, Elicker, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell),

Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Connor, Day, Fleming, McCutcheon—4.

Excused: Senators Donohue, Gardner, Huntley, Keefe, Matson, Newschwander—6.

SENATE BILL NO. 648, having received the 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. 606, by Senators Day, Twigg and Mardesich:

Providing for the removal of abandoned junk motor vehicles.

The Senate resumed consideration of Senate Bill No. 606 on second reading, the committee report having been adopted as amended.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 606 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. 606, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Donohue, Gardner, Huntley, Keefe, Matson, Newschwander—6.

ENGROSSED SENATE BILL NO. 606, having received the 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. 659, by Senator Mardesich:

Providing that governmental agencies may elect a tax deferred annuity plan for employees.

The bill was read the second time by sections.

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

On page 2, section 2, line 3, strike "April 1, 1971" and insert "immediately"

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 659 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. 659, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Guess, McCutcheon—2.

Excused: Senators Donohue, Gardner, Huntley, Keefe, Matson, Newschwander—6.

ENGROSSED SENATE BILL NO. 659, having received the 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. 710, by Senators Ridder, Connor and Herr:

Authorizing restrictions on the discharge of an employee of a fire district because of his residence outside the district limits.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Senate Bill No. 710 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 Woodall: "Will Senator Ridder yield? Senator, in the volunteer fire department is there any relationship in the nearness that you want them near where the engine is? Would this bill require them to live within a certain distance from where the fire engine is kept in order to be on the fire department, or can you move twenty or thirty miles away? How far away from the area can you move?"

Senator Ridder: "We are talking about a fully paid fire department in a fire protection district."

Senator Woodall: "He would have regular shifts then?"

Senator Ridder: "Right, and in this case the civil service commission in that area may set residence requirements but you cannot be discharged for this reason."

#### POINT OF INQUIRY

Senator Stender: "Will Senator Ridder further yield? Senator, are you sure that the volunteer firemen are not covered under this bill?"

Senator Ridder: "Right. It says, 'having a full paid fire department shall have authority by resolution of the board of fire commissioners to provide for civil service' and these pertain to those districts alone."

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 710, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Durkan, Elicker, Fleming, McCutcheon—4.

Excused: Senators Donohue, Gardner, Huntley, Keefe, Matson, Newschwander—6.

SENATE BILL NO. 710, having received the constitutional 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 Greive, Engrossed House Bill No. 86, Senate Bills Nos. 298, 383 and 781 were ordered to hold their places on the second reading calendar for Tuesday, April 13, 1971.

#### PRESIDENT'S PRIVILEGE

The President: "The President wishes all the members a very happy Easter."

## MOTION

At 12:00 noon, on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, April 12, 1971.

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

## THIRTY-SECOND DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, April 12, 1971.

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 Dore, Durkan, McDougall, Whetzel and Twigg. On motion of Senator Keefe, Senators Dore and Durkan were excused. On motion of Senator Lewis, Senators McDougall, Twigg and Whetzel were excused.

The Color Guard, consisting of Pages Steve Gese, Color Bearer, and Terri Wittman, presented the Colors. Reverend Maurice L. Haehlen, pastor of United Churches of Olympia, offered prayer as follows:

“Almighty God, Thou Eternal Father of us all—as we come back to our routine tasks and prosaic responsibilities may something of the Joy of this Easter Season compel us to a deeper commitment to those things that will make for peace and human welfare. Grant that the democratic processes may be seen at their best in this place in this time of stress and testing. Give to us the courage to make the decisions that must be made so that our society can function as an instrument of Thy will. To this end bless this session and give us satisfaction in doing our duties. Amen.”

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

## REPORTS OF STANDING COMMITTEES

April 6, 1971.

SENATE BILL NO. 755, enacting the “Franchise Investment Protection Act” (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 3, 1971.

SENATE BILL NO. 792, pertaining to consumer protection class actions (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Durkan, Foley, Francis, Greive, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

SENATE CONCURRENT RESOLUTION NO. 12, providing for a study of ecology curricula (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

ENGROSSED HOUSE BILL NO. 394, providing for a state water resources management plan (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Gissberg, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

HOUSE BILL NO. 477, providing needed capital for investment in natural resource management on granted lands and second class tide and shore lands (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 9, 1971.

ENGROSSED HOUSE BILL NO. 682, requiring the attorney general to prosecute welfare fraud cases (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the recommendation that it be referred to the Committee on Ways and Means—Appropriations.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Woodall.

There being no objection, Engrossed House Bill No. 682 was referred to the Committee on Ways and Means—Appropriations.

April 8, 1971.

HOUSE BILL NO. 721, directing negotiations for sale of certain trust lands to state parks and recreation commission for recreational purposes (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 9, 1971.

ENGROSSED HOUSE BILL NO. 853, repealing prohibition on sale of contraceptives (reported by Judiciary Committee):

MAJORITY recommendation: That it be referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Woodall.

There being no objection, Engrossed House Bill No. 853 was referred to the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

April 8, 1971.

HOUSE JOINT MEMORIAL NO. 16, petitioning the U.S. government to protect the interests of west coast fishermen (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 9, 1971.

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

I have the honor to advise that on April 9 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 47: Providing for certain changes relating to motor vehicles.

SENATE BILL NO. 918: Correcting a manifest clerical error related to the leasing powers of the state building authority.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

Office of the Governor, April 6, 1971.

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

Enclosed is a copy of a resolution of Congress (Senate Joint Resolution No. 7) entitled "Joint Resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older," passed during the first session of the Ninety-Second Congress of the United States.

A copy of the letter of transmittal is also enclosed for your information.

Sincerely,  
DANIEL J. EVANS  
Governor.

NINETY-SECOND CONGRESS OF THE UNITED STATES OF AMERICA

AT THE FIRST SESSION

Begun and held at the City of Washington on Thursday, the twenty-first day of January, one thousand nine hundred and seventy-one.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

"Article —

"Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

CARL ALBERT  
Speaker of the House of Representatives.  
ALLEN J. ELLENDER  
President of the Senate-pro Tempore.

I certify that this Joint Resolution originated in the Senate.

FRANCIS R. VALEO  
Secretary.

[Received by the Office of the Federal Register, National Archives and Records Service, General Services Administration, March 23, 1971.]

## MESSAGE FROM THE HOUSE

April 9, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 182, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Day moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 619 passed the Senate.

Debate ensued.

The motion carried.

## MOTION

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 619 was returned to second reading.

Senator Stortini moved adoption of the following amendment:

Strike all of section 1. Renumber section 2 as section 1.

## POINT OF INQUIRY

Senator Canfield: "Will Senator Stortini yield? Senator, we are looking to some of you experts on labor for guidance on these things but Senator McDougall is not here and I am just wondering if you would discuss this amendment a little bit. Why are you striking section 1?"

Senator Stortini: "The confusion the other day, Senator, was that this would open the door for any one of the three departments, labor and industries, employment security and the public assistance department, by the director to just appoint a representative and get any records they may desire. This brings to the real intent of the bill where the director of public assistance can get anything that is on the record in the department of employment security to eliminate any duplication that might take place that is already on record and file. It is there; the department in fact is doing this at the present time. This is just to put it in statute."

Senator Canfield: "I was just wondering if this is in accordance with Senator McDougall's thinking."

Senator Stortini: "I am sure it is. Senator McDougall and I both sponsored the bill and there is no doubt that he will go along with it."

Senator Canfield: "I knew you were co-sponsors and I was just hoping Senator McDougall had been consulted on this amendment."

Senator Stortini: "Yes, we discussed this last Friday with the department and Senator McDougall."

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

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 619 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Will Senator Stortini yield to a question? Senator, I am in the process of trying to get back an answer from the department as to a change that they may have made in their operations in the last some months but I am aware of a problem that did exist with a police officer that wanted to get information from the department in the pursuit of his duty on an investigation that he was carrying out and was unable to get information from the department. Do you know anything about this particular matter? Did this kind of thing come up in any of the hearings on this bill?"

Senator Stortini: "No, not at all. In fact this was not in my committee. It was in another committee."

## MOTION

On motion of Senator Metcalf, Engrossed Senate Bill No. 619 was ordered placed on third reading following consideration of Senate Concurrent Resolution No. 20 today.



Senator Durkan moved adoption of the following resolution:

SENATE RESOLUTION: 1971-EX-46

By Senators Durkan, Bailey, Metcalf, Walgren and Sandison:

WHEREAS, The people of the state of Washington have expressed concern about alleged disparities in the salary structure for state employees; and

WHEREAS, For the purpose of setting salaries, state employees are in two categories: Classified and exempt; and

WHEREAS, RCW 41.06.110 establishes the Washington State Personnel Board and RCW 28B.16.060 establishes the Higher Education Personnel Board, which boards are authorized to study and set salaries for all classified employees; and

WHEREAS, Those employees exempt from the jurisdiction of the Washington State Personnel Board or the Higher Education Personnel Board receive salaries set by various statutorily established agencies, boards, committees, and commissions;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Legislative Council is authorized and directed to undertake a study to determine criteria for identification of positions to be placed in the exempt category and to develop procedures for independent salary-setting authorities to set salaries for exempt employees.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next session of the legislature for its consideration.

Debate ensued.

POINT OF INQUIRY

Senator Foley: "Would Senator Durkan yield? Senator, why did you pick the legislative council rather than the legislative budget committee? This appears to me to be strictly within the field of the legislative budget committee."

Senator Durkan: "Frankly, Senator Foley, I claim no pride of authorship in the resolution. I had no objection to the budget committee doing it. My best judgment at the time was that the budget committee is going to be overwhelmed with the amount of studies that they have already. However, I would accept an amendment; if the body so feels that the legislative budget committee should make the study. I have no objection to it."

On motion of Senator Foley, the following amendment was adopted:

On line 15, strike "Council" and insert "Budget Committee"

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

On line 15, strike "authorized and directed" and insert "hereby requested"

On line 19, after "results of" strike "the" and insert "any such"

POINT OF INQUIRY

Senator Woodall: "Would Senator Durkan yield? Senator, some time back this body passed a resolution asking for the executive to give us a list of some of these salaries. Do you know whether there has been any list prepared or has there been anything in the mill so that somewhere in this vale of tears we will know how much we are paying to whom?"

Senator Durkan: "Senator, to the best of my knowledge, they submitted them to the Appropriations Committee. I think that they prepared the list for all the members of that committee plus one copy which I think is kept in Senator Bailey's office for the entire membership. I think the resolution we passed previously applied to the next time the executive prepares the budget."

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

SECOND READING

SENATE BILL NO. 789, by Senator Wilson (by Parks and Recreation Commission request):

Allowing recreation commission and concessionaire to mutually alter terms of concession or lease.

The bill was read the second time by sections.

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

On page 2, section 1, line 10, after "lease" insert "": *PROVIDED FURTHER, That no such alteration or amendment shall extend the term of any such lease or concession*"

## POINT OF INQUIRY

Senator Woodall: "Will Senator Wilson yield? Senator, I would like an explanation as to the purpose of this bill. I understand that these concessions are let by competitive bid. Now did someone make a bad bid and wants the department to go in and let him off the hook and give him more favorable terms than he himself bid for? What is the purpose of the bill?"

Senator Wilson: "Senator, if there are specific incidents throughout the state park system which led to the request for the introduction of this bill, I am not familiar with them. The bill was introduced by me at the request of the state parks and recreation commission. The commission previously had a twenty-year limit on leases which it could sign with respect to private concessionaires. A while back this limit was amended to the extent that in the Columbia basin area and in Mt. Spokane park, leases up to forty years could be signed.

"It is my understanding that this was done so that leases longer than twenty years of duration could be executed at Dry Falls state park and also at Mt. Spokane state park. Now the commission is coming back to us with this bill which accomplishes two things. First, it eliminates the forty-year lease authority with respect to these two areas and returns the status to one in which the commission would be limited to a twenty-year lease maximum anywhere in the state. Secondly, the commission is asking for the authority to alter or amend provisions of existing leases when it would be in the public interest and then with Senator Mardesich's amendment, however, the commission would be prohibited, even if it did alter the terms of a lease, from extending it beyond its present period that it was an active lease.

"Now beyond this, Senator Woodall, I do not know what incidents may have led to the request for this legislation or anything else other than what I have recited."

## MOTION

On motion of Senator Wilson, Senate Bill No. 789 was ordered to hold its place on the second reading calendar for Tuesday, April 13, 1971.

SENATE BILL NO. 858, by Senator Talley:

Providing for additions to Seaquest State Park by exchange of public land.

## REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 858, providing for additions to Seaquest State Park by exchange of public land (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 4, after "Section 1." strike the remainder of the section and insert "The department of natural resources is authorized, with the advice and approval of the state board of natural resources, to exchange any lands acquired pursuant to RCW 76.12.030 located in Cowlitz county for lands of equal value owned by the International Paper Company which are adjacent to Seaquest State Park in Cowlitz county. In the event of such exchange the lands acquired by the state shall be held and administered in the same manner as were the lands exchanged therefor."

Strike all of the title and substitute the following:

"An Act relating to the exchange of certain forest lands adjacent to Seaquest State Park."

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Matson, Metcalf, Peterson (Ted), Sandison.

The bill was read the second time by sections.

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

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 858 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. 858, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall-44.

Absent or not voting: Senators McCutcheon, Stender-2.

Excused: Senators McDougall, Twigg, Whetzel-3.

ENGROSSED SENATE BILL NO. 858, having received the 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. 866, by Senators Ridder, Clarke and Bailey:  
Setting financial responsibility standards for residents of state residential schools.

#### MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 866 was substituted for Senate Bill No. 866, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Ridder, the rules were suspended, Substitute Senate Bill No. 866 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 Mardesich: "Will Senator Ridder yield? Senator, page 5, new section 4, provides for the funeral arrangements and I would assume that the proviso means that the total of the resident's account funds which may be used for funeral purposes. It does not say that so I wonder if that could cause problems later."

Senator Ridder: "In the new section itself the language 'at the time of his death to provide funeral and burial expenses for such deceased resident' and the proviso that the total of the resident's funds plus the state's supplementation shall not exceed the thousand dollars. . . ."

#### MOTION

On motion of Senator Ridder, the rules were suspended and Substitute Senate Bill No. 866 was returned to second reading.

Senator Mardesich moved adoption of the following amendment:

On page 5, section 4, line 6, after "funds" insert "which may be used for funeral and burial purposes."

#### POINT OF INQUIRY

Senator Clarke: "Will Senator Mardesich yield? Senator, I do not exactly get the purpose of your amendment. The total of the resident's account fund which presumably at the time of death should all be applicable to funeral plus the state supplementation shall not exceed one thousand dollars. To me this reads properly as is but maybe I am missing something. Could you elaborate on the specific reason for your amendment?"

Senator Mardesich: "Are you suggesting that it should be placed after 'supplementation' rather than 'purpose' of the amendment?"

Senator Clarke: "No, I really am not. I missed your apprehension as to the present wording."

Senator Mardesich: "I thought that if the proviso were to be read, which would be a stretching of it, I admit, to apply to anything other than section 4 in and of itself, it would be placing effective limitation upon the fund, the trust fund.

"I am sure there is no such reasoning behind it and just to clarify that trust funds could be in excess of a thousand dollars and still provide for this funeral and burial problem, I think the proviso would clarify. Although I do say I do think it could be a stretching if the language of the proviso in subsection 4, section 4, were to be applied to the trust fund in and of itself."

On motion of Senator Mardesich, the following corrected amendment was adopted:

On page 5, section 4, line 6, after "supplementation" insert "which may be used for funeral and burial purposes"

#### MOTION

At 12:50 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 866, by Senators Ridder, Clarke and Bailey:  
Setting financial responsibility standards for residents of state residential schools.

The Senate resumed consideration of Substitute Senate Bill No. 866, as amended, on second reading.

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 866 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. 866, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senator Durkan—1.

Excused: Senators McDougall, Twigg—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 866, having received the constitutional 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 2:10 p.m., on motion of Senator Bailey, the Senate adjourned until 11:00 a.m., Tuesday, April 13, 1971.

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

## THIRTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, April 13, 1971.

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 Herr.

The Color Guard, consisting of Pages Terry Fisher, Color Bearer, and Sue Lowry, presented the Colors. Reverend Maurice Hachlen, pastor of The United Churches of Olympia, offered prayer as follows:

"Almighty God, our Heavenly Father, give to us a sense of Thy indwelling presence so that we can feel Thy guiding wisdom this day as we face the problems that confront our society. We thank Thee for these Senators who have been chosen to be our leaders in this state and for their willingness to accept the challenge of this difficult time. Give them patience and good humor so that all might rise above party creed and color to further Thy good purposes for mankind. So, bless us in what is right, correct us in what is wrong and give us the fortitude to do with dispatch what we know needs to be done. Amen."

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

## REPORTS OF STANDING COMMITTEES

April 13, 1971.

SENATE BILL NO. 139, providing for county planning of sewer and water facilities (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: That Substitute Senate Bill No. 139 be substituted therefor and the substitute bill do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SENATE BILL NO. 192, providing for the regulation of nonpartisan elections (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Donohue, Greive, Holman, Mardesich, Matson, Metcalf, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

SENATE BILL NO. 324, providing for a population study council (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SENATE BILL NO. 332, defining crime of dog and/or cat theft and creating penalties (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SENATE BILL NO. 382, amending regulation of real estate brokers and salesmen (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Foley, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

SENATE BILL NO. 542, providing that sewer districts may include within their boundaries parts of more than one county (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: That Substitute Senate Bill No. 542 be substituted therefor and the substitute bill do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SENATE BILL NO. 547, providing for zoning to regulate buildings and usage in avalanche areas (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Fleming, Foley, Huntley, Keefe, Knoblauch, Newschwander, Peterson (Lowell), Stortini, Twigg, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SENATE BILL NO. 582, authorizing the issuance of temporary motor vehicle operators' licenses by the department of motor vehicles to parolees under certain circumstances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SENATE BILL NO. 735, pertaining to junkyards adjacent to highways (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, enacting the operating budget (reported by Committee on Ways and Means):

MAJORITY recommendation: As amended, without recommendation.

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gissberg, Greive, Jolly, Mardesich, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

SUBSTITUTE HOUSE BILL NO. 257, permitting liens for child support payments (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

March 24, 1971.

HOUSE BILL NO. 270, exempting agency vendors of liquor from civil service (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

ENGROSSED HOUSE BILL NO. 414, placing children in agencies according to interstate compact (reported by Committee on Public Institutions):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

HOUSE BILL NO. 416, amending certain public assistance laws (reported by Committee on Public Institutions):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

HOUSE BILL NO. 451, authorizing the department of social and health services to provide child support services (reported by Committee on Public Institutions):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

HOUSE BILL NO. 706, amending certain regulations of commission merchants (reported by Committee on Agriculture and Horticulture):  
 MAJORITY recommendation: Do pass as amended.  
 Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Knoblauch, Wilson.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

SUBSTITUTE HOUSE BILL NO. 762, providing for preplacement studies of prospective adoptive parents (reported by Committee on Public Institutions):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

HOUSE BILL NO. 905, providing for the redefinition of "public place" for certain purposes (reported by Committee on Natural Resources, Fisheries and Game):  
 MAJORITY recommendation: Do pass.  
 Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Matson, Metcalf, Sandison.  
 Passed to Committee on Rules and Joint Rules for second reading.

### LETTER OF INFORMATION

April 12, 1971.

THE HONORABLE JOHN CHERBERG,  
 PRESIDENT OF THE SENATE,  
 LEGISLATIVE BUILDING,  
 OLYMPIA, WASHINGTON.

GENTLEMEN:

The following bills have been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

HOUSE BILL NO. 61: Military annuities, inheritance tax exempt.

HOUSE BILL NO. 306: Property Tax Exemption Appeals Board Hearing.

Sincerely,  
 HUBERT F. DONOHUE  
 Chairman, Revenue and Taxation Committee.

## GUBERNATORIAL APPOINTMENTS

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
Norman H. Dahlstedt, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Skagit Valley Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
C. J. Mitchell, appointed April 9, 1971, for a term ending April 3, 1976, succeeding Charles E. Bowers as a member of the Board of Trustees of Columbia Basin Community College, District No. 19.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
Hugh L. Mathews, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Green River Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
Tom Baker, appointed April 9, 1971, for a term ending April 3, 1976, succeeding Larry A. Beaulaurier, as a member of the Board of Trustees of Walla Walla Community College, District No. 20.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
Herbert C. Urie, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Lower Columbia Community College, District No. 13.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

I have the honor to submit the following appointment, subject to your confirmation:  
Mrs. Margaret Strachan, appointed April 9, 1971, for a term ending April 3, 1976, succeeding John Strachan as a member of the Board of Trustees of Olympic Community College, District No. 3.

Sincerely,  
DANIEL J. EVANS  
Governor.



Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Ben Wood, Jr., appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Shoreline Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Lawrence Weinstein, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Grays Harbor Community College District No. 2.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mrs. Marge Peters, appointed April 9, 1971, for a term ending April 3, 1973, succeeding Dr. J. W. McCann, as a member of the Board of Trustees of Skagit Valley Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Dr. David Lundberg, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Highline Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Clarence Irwin, appointed April 9, 1971, for a term ending April 3, 1976, succeeding himself as a member of the Board of Trustees of Clark Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Mrs. Marilyn A. Wilson, appointed April 9, 1971, for a term ending April 3, 1976, succeeding herself as a member of the Board of Trustees of Wenatchee Valley Community College.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 Mrs. T. J. Bay, appointed April 9, 1971, for a term ending April 3, 1976, succeeding herself as a member of the Board of Trustees of Whatcom Community College, District No. 21.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 Mrs. Alma Galbreath, appointed April 9, 1971, for a term ending April 3, 1976, succeeding herself as a member of the Board of Trustees of Big Bend Community College.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 Al E. Saunders, appointed March 15, 1971, for a term ending March 15, 1977, succeeding himself as a member of the Board of Trustees of Evergreen State College.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 George V. Powell, appointed March 22, 1971, for a term ending March 14, 1977, succeeding himself as a member of the Board of Regents of the University of Washington.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 James R. Ellis, appointed March 22, 1971, for a term ending March 14, 1977, succeeding himself as a member of the Board of Regents of the University of Washington.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
 GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
 Michael Dederer, appointed March 10, 1971, for a term ending March 9, 1977, succeeding himself as a member of the Board of Regents of Washington State University.

Sincerely,  
 DANIEL J. EVANS  
 Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
H. H. "Dutch" Hahner, appointed March 10, 1971, for a term ending March 9, 1977,  
succeeding himself as a member of the Board of Regents of Washington State University.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Higher Education and Libraries.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
James R. Stanford, appointed March 1, 1971, for a term ending March 1, 1975,  
succeeding Merton Dick as a member of the Tax Appeals Board.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Ways and Means—Revenue and Taxation.

Office of the Governor, April 9, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation:  
J. Joy Williams, appointed March 1, 1971, for a term ending March 1, 1977, succeeding  
himself as a member of the Tax Appeals Board.

Sincerely,  
DANIEL J. EVANS  
Governor.

Referred to Committee on Ways and Means—Revenue and Taxation.

### MESSAGES FROM THE HOUSE

April 12, 1971.

Mr. President: The House has granted the request of the Senate for a conference on  
ENGROSSED HOUSE BILL NO. 300 and the Senate amendments thereto, and the Speaker  
has appointed as members of the conference committee thereon: Representatives  
Zimmerman, Smith and Haussler.

MALCOLM McBEATH, Chief Clerk.

April 12, 1971.

Mr. President: The House refuses to recede from its amendments to REENGROSSED  
SENATE BILL NO. 130 and asks the Senate for a conference thereon, and the Speaker  
has appointed as the House conferees on Reengrossed Senate Bill No. 130 and the House  
amendments thereto: Representatives Curtis, Blair and Merrill.

MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Durkan, the request of the House for a conference on  
Reengrossed Senate Bill No. 130 and the House amendments thereto was granted.

### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Reengrossed  
Senate Bill No. 130 and the House amendments thereto: Senators Connor, McDougall and  
Talley.

On motion of Senator Durkan, the Conference Committee appointments were  
confirmed.

April 1, 1971.

Mr. President: The House has receded from its amendment to page 2, section 3, line 6 to ENGROSSED SENATE BILL NO. 394 and has passed the bill without the House amendment, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 394, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Dore, Herr, Odegaard—3.

ENGROSSED SENATE BILL NO. 394, 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

SENATE CONCURRENT RESOLUTION NO. 27, by Senators Holman, Fleming and Elicker:

Directing a study of marriage and divorce laws.

Referred to Judiciary Committee.

### MOTIONS

On motion of Senator Peterson (Lowell), the Committee on Natural Resources, Fisheries and Game was relieved of further consideration of House Bill No. 312.

On motion of Senator Peterson (Lowell), House Bill No. 312 was referred to the Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs.

### SECOND READING

ENGROSSED HOUSE BILL NO. 86, by Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request):

Reorganizing powers, duties and functions within intermediate school districts.

The Senate resumed consideration of Engrossed House Bill No. 86 on second reading and the pending amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington.

On motion of Senator Stender, the following amendments to the amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington were adopted:

On page 9, section 10, line 14, beginning on line 14, strike all of the material up to and including "superintendent" on line 26 and insert the following:

"To be eligible for appointment to the office of intermediate school district superintendent, in addition to any other requirements under other provisions of the law, a candidate must have completed five years of regular, accredited work in one or more recognized institutions of higher learning; have a valid principal's or a superintendent's credential of the state of Washington, and have three or more years' experience in educational administration in the common schools or in the office of a county or intermediate district superintendent or office of an intermediate school district superintendent"

On page 13, section 16, line 31, after "education," strike "a deputy superintendent"

On page 14, section 16, line 3, strike "The deputy", and insert "The assistant"

On page 14, section 16, line 6, strike "the deputy" and insert "the assistant"

On page 14, section 16, lines 8 and 9, strike "if there be no deputy superintendent"

Senator Guess moved adoption of the following amendment to the amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington:

On page 14, section 17, line 19, strike "and nonpublic"

Debate ensued.

The motion carried and the amendment to the amendment was adopted on a rising vote.

On motion of Senator Stender, the following amendments to the amendment by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington were adopted:

On page 16, subsection (11), lines 7 to 20, restore the language of subsection (11) to the pre-bill status.

On page 24, section 26, lines 19 to 32, strike section 26, renumber section 26 as 27 and renumber the following sections consecutively.

On motion of Senator Francis, the following amendment to the title by Senators Francis, Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard and Washington was adopted:

Strike all of the title and insert the following:

"AN ACT Relating to education; amending section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030; amending section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040; amending section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060; amending section 7, chapter 176, Laws of 1969 ex. sess., as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070; amending section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080; amending section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090; amending section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100; amending section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110; amending section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120; amending section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130; amending section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140; amending section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160; amending section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170; amending section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180; amending section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190; amending section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080; amending section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050; amending section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100; amending section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186; amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100; amending section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW; repealing section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150; repealing section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230; repealing section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020; repealing section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040; repealing section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050; repealing section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060; repealing section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070; repealing section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080; repealing section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073; and declaring an emergency."

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 86,

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 Bailey: "Would Senator Francis yield? Senator, I was concerned and I spoke to you about the per diem allowance of members of the intermediate school directors as they went to attend meetings, either of their association or of their board. Did I understand you to say that it was twenty-five dollars a day, up to twenty-five dollars a day?"

Senator Francis: "Senator Bailey, we have referred to state law governing state employees generally. In effect we have an actual expense with a top limit of twenty-five dollars a day but they are going to have to demonstrate their expenses. Thirty-five dollars a day out of state, twenty-five dollars a day within the state. This is at variance with the way it passed the House and I am not sure that the House will accept that aspect of it but that is what we have done here."

Senator Bailey: "I merely wanted to ask this question to be sure that it was in the record of Senator Francis' intent. However, I know that will not change the law a bit as we pass it but it did concern me. There was some doubt that maybe these directors would only be paid fifteen dollars a day and all of us know that when you go away from your business and you are donating your time in the first place that you cannot possibly pay your expenses on fifteen dollars a day and I therefore did not offer an amendment directly raising that because Senator Francis has assured me that this was done in effect by reference to the RCW."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 86, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senator Newschwander—1.

Absent or not voting: Senators Dore, Herr, McCutcheon—3.

ENGROSSED HOUSE BILL NO. 86, 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.

SENATE BILL NO. 383, by Senators Holman, Guess and Day:

Implementing law relating to community college bonding authority.

The Senate resumed consideration of Senate Bill No. 383 and a pending amendment by Senator Peterson (Ted) to page 6, section 3, line 28, proposed on April 8, 1971.

There being no objection, the amendment by Senator Peterson (Ted) was withdrawn.

On motion of Senator Guess, the following amendment was adopted:

On page 6, section 3, after line 30, insert: "*The board of trustees shall authorize no expenditure of funds from student tuition and fees for the purpose of paying the expenses or fees of speakers from outside the state of Washington unless such speaker is contracted with as a lecturer as part of the normal academic curriculum.*"

Senator Ridder moved adoption of the following amendment by Senators Ridder, Odegaard and Fleming:

On page 7, after section 4 add a new section as follows:

"Sec. 5. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of *six members*, five trustees [,] who shall be appointed by the governor from a list of nominees submitted by the nominating committee in accordance with RCW 28B.50.110 and one trustee who shall be a full time student at the community college selected in such manner as the associated students of the community college shall determine. In making [such] appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The initial gubernatorial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One gubernatorial trustee shall serve for one year, one for two years, one for three years, one for four years, and one for five years.

Thereafter the successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term: *PROVIDED, That the student trustee shall hold his office from September 1st of the year of his selection until August 31st of the following year.*

Every gubernatorial trustee shall be a resident and qualified elector of his community college district. No gubernatorial trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

*The student trustee shall be entitled to vote only on any matter which would impose special student fees to provide funds to acquire, construct and equip, improve, maintain and operate nonacademic services and facilities.*

#### POINT OF ORDER

Senator Woodall: "I rise to state a point of order. It is my opinion that this proposed amendment enlarges the scope and object of this bill. While it is true that it is germane in that it deals with the general subject matter, a reading of the bill will disclose that the purpose of the bill was to set up certain bonding procedures and to set certain fees. This particular amendment attempts to change and alter the composition of the board of trustees and while it is part of the overall main section 28B.50, it does deal with a different sub-portion being than the ones which are involved in this particular matter. We are dealing here with generally subsection 300, this deals with subsection 100 and raises a question of changing the composition of the board of trustees. It is for those reasons that it is my belief that it goes beyond the scope and object of the purposes as stated in this bill."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as presented by Senator Woodall finds that Senate Bill No. 383 authorizes community college trustees to issue revenue bonds for capitol construction and enter into contracts for building and maintenance. Also the measure permits the charging of student fees for non-academic purposes.

"The amendment proposed by Senators Ridder, Odegaard and Fleming, however, changes the make-up of the community college boards of trustees and the method of selection thereof, and therefore does increase the scope and object of the bill.

"The point of order as presented by Senator Woodall is well taken."

The amendment proposed by Senators Ridder, Odegaard and Fleming was ruled out of order.

Senator Metcalf moved adoption of the following amendment:

On page 6, section 3, line 30, after "facilities," insert the following: "*PROVIDED, That such special fees shall be subject to the approval of a majority of those students voting on the issue at a special student election called for this purpose.*"

Debate ensued.

The motion failed and the amendment was not adopted.

On motion of Senator Holman, the rules were suspended, Engrossed Senate Bill No. 383 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 Guess yield to a question? Senator, earlier today an amendment which you sponsored was adopted which says "The board of trustees shall authorize no expenditure of funds from student tuition and fees for the purpose of paying

the expenses or fees of speakers from outside the state of Washington unless such speaker is contracted with as a lecturer as part of the normal academic curriculum'.

"Now I realize, of course, that many speakers which are brought on to campuses under student fee programs are extremely worthwhile and some, to some people, are objectionable. This amendment frankly went on more rapidly than I was able to follow it and I am sorry that my comments are so tardy.

"My question is, under terms of this amendment which is now part of the bill, would it be impossible then for a lecture series financed by student tuition and fees, impossible for the persons operating that program to bring in, for example Governor Reagan from California or a nationally known poet or a syndicated newspaper columnist from out of state and cover his expenses through student fees and tuition?"

Senator Guess: "In answering your question, Senator Wilson, I want to say this amendment was prepared by Mr. Furman who is the executive secretary of the higher education advisory committee, and it changed the original language of an amendment which was suggested and he thought that this did provide the necessary leeway for the bringing in of those speakers who come as a part of the lyceum course. It is not intended in any way to cut down on the viability of the programs brought to the campus but when it is a non-academic purpose it will stop the use. This is for academic pursuits."

Senator Wilson: "Then, Senator, it is obviously very unlikely that Governor Reagan, for example, would be a member of a lyceum course and in effect he would not be speaking really as part of a normal academic curriculum but simply as a special speaker brought in for a particular occasion and I assume that under terms of this amendment that if this were a program financed by student tuition and fees, he could not be reimbursed for his expenses." tuition and fees, he could not be reimbursed for his expenses."

Senator Guess: "I would imagine he would come in free in the first place because he has been to Spokane and he did not charge anything. I do not know whether the question is really germane as far as he is concerned or not."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Holman yield to a question? Senator, since the passage of the Community College Act in 1967, we usually talk about courses either being academic or vocational or related thereto and we are to place equal emphasis upon both. On page 6, line 29, it uses the word 'non-academic'. Do you mean by this usage that vocational would not be included here and non-academic or do you mean in the sense the way it is used here that vocational is included in non-academic?"

Senator Holman: "In answer to your question, Senator, it is my view and I believe the view of the committee that we are using the word 'non-academic' in its broad sense. It means 'other than related to the school program'. It is not intended to differentiate between academic transfer and vocational tech-type courses. They would all be included because they are the type of things that the state, in its capital funding program, assists the community colleges with. This means something over and above that, something that is student related but not part of the course. . . . extra-curricular, that type of thing."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 383, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 24; absent or not voting, 5.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Gissberg, Guess, Huntley, Keefe, Lewis, Mardesich, Metcalf, Newschwander, Peterson (Lowell), Peterson (Ted), Scott, Stender, Twigg, Wetzels, Woodall—20.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Holman, Jolly, Knoblauch, McDougall, Matson, Murray, Odegaard, Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—24.

Absent or not voting: Senators Dore, Francis, Henry, Herr, McCutcheon—5.

ENGROSSED SENATE BILL NO. 383, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Holman served notice that he would, on the next working day, move that the Senate reconsider the vote by which Engrossed Senate Bill No. 383 failed to pass the Senate.



## MOTIONS

On motion of Senator Keefe, Senator Herr was excused.

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Pro Tempore Henry.  
There being no objection, Senators Gissberg, Keefe and Sandison were excused.

## SECOND READING

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore:

Requiring certain insurance coverage for employees of school districts and institutions of higher learning.

## MOTIONS

On motion of Senator Washington, Senate Bill No. 298 was made a special order of business at 2:45 p.m. today.

On motion of Senator Bailey, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Thursday, April 15, 1971.

On motion of Senator Whetzel, Senate Bill No. 690 was ordered to hold its place on the second reading calendar for Wednesday, April 14, 1971.

On motion of Senator Murray, Senate Bill No. 635 was ordered to hold its place on the second reading calendar for Thursday, April 15, 1971.

There being no objection, Senate Bill No. 280 was returned to the Committee on Rules and Joint Rules.

SENATE BILL NO. 789, by Senator Wilson (by Parks and Recreation Commission request):

Allowing recreation commission and concessionaire to mutually alter terms of concession or lease.

## MOTION

On motion of Senator Guess, Senate Bill No. 789 was made a special order of business for 3:00 p.m. today.

SENATE CONCURRENT RESOLUTION NO. 20, by Senators Metcalf, Francis and Peterson (Lowell):

Authorizing a study of the protection of animals.

The resolution was read the second time in full.

On motion of Senator Metcalf, the rules were suspended, Senate Concurrent Resolution No. 20 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 20, and the resolution passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—42.

Absent or not voting: Senators McCutcheon, Matson, Woodall—3.  
Excused: Senators Gissberg, Herr, Keefe, Sandison—4.

SENATE CONCURRENT RESOLUTION NO. 20, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator McDougall, Senator Twigg was excused.

#### THIRD READING

ENGROSSED SENATE BILL NO. 619, by Senators Stortini and McDougall (by Department of Social and Health Services request):

Relating to employee's records.  
The bill was read the third time.

#### MOTION

On motion of Senator Guess, the rules were suspended and Engrossed Senate Bill No. 619 was returned to second reading.

Senator Metcalf moved adoption of the following amendment:

On page 2, section 1, line 15 of the printed bill, being page 2, section 1, line 18 of the engrossed bill, after "prosecution" and before the period insert "*PROVIDED FURTHER, That records of unemployment insurance claims, disclosure of which is not prohibited by federal law, which are material to the apprehension of one who has been charged with a crime, may be made available for inspection to a governmental law enforcement officer upon the presentation of a subpoena for such records issued by a court of competent jurisdiction*"

Debate ensued.

#### POINT OF INQUIRY

Senator Stortini: "Would Senator Metcalf yield to a question? Senator, on line 4 of your amendment you say, 'which are material to the apprehension of'. Could you explain that please?"

Senator Metcalf: "Specifically, trying to locate where he is; the address is the most important thing. That is the main thing that they want. Here the state is mailing him unemployment compensation checks and the law enforcement people in the local county are looking for him and they cannot get the address that he is receiving the checks.

"This particular individual to whom I am referring was smart enough to go and change his address about every third week just so he was not taking any chances. He had the checks coming at different places in order to evade the law."

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

Senator Guess moved adoption of the following amendment:

On page 2, following section 2, add a new section to read as follows:

"*NEW SECTION. Sec. 3. There is added to chapter 35, Laws of 1945 and to title 50 RCW a new section to read as follows:*

*Any individual registered at and attending an established school in a course of study providing academic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for any week during the school year commencing with the first week of academic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately prior to the first full week in which he is no longer attending classes: PROVIDED, That such nonattendance will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools and "institutions of higher education" as that phrase is defined in section 22 of chapter 3, Laws of 1971.*

*This disqualification shall not apply to any individual who is in approved training within the meaning of section 12, chapter 3, Laws of 1970."*

#### POINT OF INQUIRY

Senator Holman: "Would Senator Guess yield? Senator, in reading this amendment, I am wondering how it would be administered because of the proviso about half way through it which says 'PROVIDED, That such nonattendance will be for a period of sixty days or

longer'. In that event it would seem to me difficult for them to administer it, in the first week of going to school or the second week until they had found out whether he really was going to go sixty days. I have a problem with seeing how this would be handled."

Senator Guess: "Senator Holman, I think that when a man makes application for unemployment compensation he has to level with the department and say whether or not he is going to school. There is a blank on the application 'Are you going to school?' If he fills it in 'yes' then they will disqualify him."

#### POINT OF ORDER

Senator Stender: "My question of order is in regard to this amendment enlarging the scope and object of the Senate Bill No. 619. I have looked at the bill, the purpose has to do with records, inspection of books and payrolls and so forth, in performance of their official duties and this amendment purports to establish or disqualify by establishing separate rules for the drawing of unemployment compensation by students. I respectfully suggest that the proposed amendment by Senator Guess enlarges the scope and object of the bill."

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The President, in ruling upon the point of order, believes that Engrossed Senate Bill No. 619 which refers to any state agency, the records thereof, is pretty well limited in its scope as to the disclosure of records. The amendment by Senator Guess adds a new section which provides a method of disqualification for one certain department from receiving unemployment compensation. The President believes that Senator Stender's point of order is well taken and that this amendment does enlarge the scope and object of the bill."

The amendment by Senator Guess was ruled out of order.

On motion of Senator Stortini, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "records;" strike all the matter down to and including "RCW 51.48.040;" on line 2.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 619 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. 619, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Holman, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Huntley, McCutcheon, Talley—3.

Excused: Senators Gissberg, Herr, Keefe, Sandison, Twigg—5.

ENGROSSED SENATE BILL NO. 619, having received the constitutional 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 Greive, Senate Bills Nos. 318 and 415 were ordered held on the second reading calendar for Wednesday, April 14, 1971 preceding consideration of Engrossed Substitute House Bill No. 151.

#### SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 298, by Senators Washington, Peterson (Ted) and Dore:

Requiring certain insurance coverage for employees of school districts and institutions of higher learning.

The time having arrived, the Senate resumed consideration of Senate Bill No. 298 on second reading and the amendment proposed by Senator Day on April 8, 1971.

On motion of Senator Day, the following amendments to the amendment by Senator Day were adopted:

On page 2, section 1, line 5, after "contracts" and before "utilize" strike "must" and insert "may"

On page 2, section 2, line 30, after "contracts" and before "utilize" strike "must" and insert "may"

The amendment by Senator Day, as amended, was adopted.

Senator Washington moved adoption of the following amendment:

On page 1, section 2, line 18, strike all of section 2. Renumber remaining sections accordingly.

Debate ensued.

#### POINT OF INQUIRY

Senator Stender: "Would Senator Washington yield? Senator, as I understand, you say that your amendment would not create any cost?"

Senator Washington: "I said it would not create a cost to the general fund. It will create a cost somewhat less than the estimate of one hundred and forty-three thousand dollars to the school districts of the state."

Senator Stender: "Where are they going to get the money?"

Senator Washington: "We are only talking here about the general fund. Now there is no doubt that this will have a financial impact upon school districts. The estimate is, throughout the state, one hundred and forty-three thousand eight hundred and fifty-two dollars as an additional cost to the school districts."

Senator Stender: "Are not the school districts coming here for money?"

Senator Washington: "Yes, they are."

Senator Stender: "How could you say then that it has no impact?"

Senator Washington: "In order to carry this out, much of their expense is covered by taxes at the local level and as far as our budget is concerned, we do not have any particular amount set aside for this insurance. The insurance cost is ordinarily one which is handled at the local level."

#### POINT OF INQUIRY

Senator Stender: "Would Senator Day yield to a question? Senator, as I understand from the Secretary your amendment was to add the provisions of Substitute Senate Bill No. 396 onto Senate Bill No. 298, is that correct?"

Senator Day: "That is correct, as amended."

Senator Stender: "And that includes all of these various different types of insurance that are enumerated in that bill?"

Senator Day: "Yes."

Senator Stender: "So that in fact if the school board was to purchase this type of insurance it would be considerable cost to the board then. Isn't that correct?"

Senator Day: "It would be up to their discretion whether they wanted to spend the money or not, at the local level."

Senator Stender: "If they did in fact buy all this insurance it could amount to a considerable amount of money."

Senator Day: "It could amount to a considerable amount of money but I would point out that it would be money in lieu of salary which would not be federally taxed and which would accrue as a direct benefit to the employee or the teacher and would in effect make better utilization of the dollar spent by the local school authority."

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Day yield to a question? Senator, you remarked I believe about this being a permissive. . . ."

Senator Day: "I am talking about the amendment that has already been adopted, not about the amendment that is before us. The amendment that is before us is a good amendment because it takes out the mandatory aspect of purchasing liability insurance which does have a fiscal impact."

Senator Canfield: "Is that the other bill that you are referring to, not Senate Bill No. 298 but the other bill?"

Senator Day: "No, that is in Senate Bill No. 298 that we are referring to right now, section 2."

Senator Canfield: "I thought you were referring to this other bill that you. . . ."

Senator Day: "I did, because it has been continually bantered about here even though

it has already been adopted and both on line 14 of the amendment, page 1, and on line 12, page 2. It very clearly states that it is discretionary, that they may purchase the insurance."

Senator Canfield: "I just wanted to point out, Senator Day, whether it is pertinent or not that when we give these 'may' clauses in here, then through the bargaining procedures, do not they become 'shall' in effect because if a bargaining group agrees upon a certain settlement, as for instance in insurance, does not that commit the board to adopt the 'shall'?"

Senator Day: "No. I would like to also point out in answer to the question that that is existing law. We are not amending that portion of it at all. It is discretionary now. The only thing this does is remove the ten dollar ceiling so that if the board, in its wisdom, wants to purchase more than ten dollars worth of premium for the employee, they may do so."

Senator Ridder demanded a roll call on the amendment by Senator Washington and the demand was not sustained.

The motion by Senator Washington failed and the amendment was not adopted on a riling vote.

#### POINT OF INQUIRY

Senator Durkan: "Mr. President, will Senator Washington yield? Was the amendment excluding higher institutions adopted?"

Senator Washington: "No, it was not."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Durkan moved that the Senate immediately reconsider the vote by which the amendment by Senator Washington was not adopted.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Day yield? Senator, to put the bill in proper perspective, in the original form that we find in Senate Bill No. 298, we find that the term is 'shall'. Is this correct?"

Senator Day: "Yes, but of course this is the amendment that Senator Washington is trying to have adopted, to strike section 2 and strike 'shall' in the same process."

Senator Guess: "All right. Now, Senator Day, if we strike 'shall' then what is the effect of the amendment we added the other day on Substitute Senate Bill No. 396 which says 'may'?"

Senator Day: "Then it is discretionary and does not have a fiscal impact and will not have to go to the committee on ways and means."

#### POINT OF ORDER

Senator Durkan: "My point of order, Mr. President, is that we are considering the amendment by Senator Washington not by Senator Day."

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Your point of order is well taken, Senator Durkan."

Further debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Would Senator Durkan yield? Senator, if we struck the word 'shall' and replaced it with 'may' on line 20, would this not remove the financial impact and remove the problem here so we could leave section 2 in the bill?"

Senator Durkan: "The only difference is on the local level, it does not make any difference to me—I am not concerned about it—but in the general fund area, by using the word 'may' it still becomes an area of negotiations in which the universities are going to have to use their funds to do it. I do not think that we should—if we are going to put the burden on them, I think we should pay for it. That is why I think Senator Washington's motion is in order and that we should support it."

The motion for reconsideration by Senator Durkan carried.

The President declared the question before the Senate to be the adoption of the amendment proposed by Senator Washington.

The amendment by Senator Washington on reconsideration was adopted.

On motion of Senator Day, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "AN ACT" strike the balance of the title and insert "Relating to education and insurance or protection programs for certain college and university regents, trustees, school district board members, students and employees, and their dependents; amending section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 8, Laws of 1971 and RCW 28A.58.420; and amending section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 237, Laws of 1969 ex. sess. and RCW 28B.10.660."

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 298 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Holman: "Would Senator Washington yield? Senator, is that in section 2 of the part that was put on by Senator Day, Senate Bill No. 396? I am confused by the language in that section which says, as I read it, that the provisions for liability insurance shall be borne by the university or college. In line 24 of the substitute bill on page 2 it says, 'except the premiums due on such liability insurance shall be borne by the university or college', and I am confused because it seems to me that that does exactly what section 2 of Senate Bill No. 298 did which we just struck."

Senator Washington: "Section 2, as it was struck, was a mandatory provision which had in it the word 'shall' which required the institutions of higher education to provide the prescribed insurance. Now if I understand Senator Day's amendment, it is one which is permissive only."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 298, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Greive, Henry, Jolly, Knoblauch, McCutcheon, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington—26.

Voting nay: Senators Atwood, Clarke, Cooney, Elicker, Gissberg, Guess, Holman, Huntley, Keefe, McDougall, Mardesich, Matson, Murray, Newschwander, Scott, Stender, Whetzel, Wilson, Woodall—19.

Absent or not voting: Senators Durkan, Lewis—2.

Excused: Senators Herr, Twigg—2.

ENGROSSED SENATE BILL NO. 298, having received the 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 Andersen served notice that he would, on the next working day, move for reconsideration of the vote by which the Senate passed Engrossed Senate Bill No. 298.

#### MOTIONS

On motion of Senator Woodall, Senate Bill No. 789 was ordered placed at the beginning of the second reading calendar for Wednesday, April 14, 1971.

At 3:20 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, April 14, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-FOURTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, April 14, 1971.

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 Greive and Herr.

The Color Guard, consisting of Pages Dave Spurgeon, Color Bearer, and Becky Carden, presented the Colors. Reverend Maurice Hæhlen, pastor of The United Churches of Olympia, offered prayer as follows:

"Almighty God and Eternal Father of us all, Thou who has made of one blood all peoples to dwell together in peace, forgive us and all mankind for our foolish ways and grant that we might do those things that will enable all families of men to live in a true spirit of brotherhood. Be with the youth of this land so that their idealism and dreams may not be crushed because of our inability to hear and understand their yearnings. Let, we pray Thee, our great state be as one serving Thee. To that end fill our minds and hearts with understanding love that will enable us to do well the duties that now are at hand. Amen."

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

### PERSONAL PRIVILEGE

Senator Dore: "I would like to rise under personal privilege in reference to a remark made in the state House on the floor by Representative Robert Charette the other day saying that I had advised taxpayers not to pay their taxes in protest. This is entirely false. I never at any occasion ever said that. In fact, just the contrary. I have advised them to protest by paying their taxes and filing a protest and I have said that at least on three different occasions. In fact at one public meeting with eight hundred people present, a resolution was offered to the effect that they not pay their taxes and I spoke against it and based on my representation, the group withdrew the resolution where they went in favor of paying their taxes and if they had an objection, then they should file a written protest so they would be available for a refund in the event a later judicial decision or a legislative act might give some relief. I want to make that crystal clear because it was in both the Seattle papers and hopefully now they will print my statement in refutation of that statement of Representative Charette on the floor of the House of Representatives the other day."

## REPORTS OF STANDING COMMITTEES

April 13, 1971.

SENATE CONCURRENT RESOLUTION NO. 23, providing for a study of vocational education needs and capabilities (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

HOUSE BILL NO. 343, setting out United States history and state history requirements for common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

ENGROSSED HOUSE JOINT RESOLUTION NO. 22, providing for a new pattern of succession to fill vacancy in governor's office (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Donohue, Greive, Holman, Mardesich, Matson, Metcalf, Stender, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senator McCutcheon, Chairman.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

April 13, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 16, by Senators Huntley, McDougall, Donohue, Sandison, Jolly, Canfield and Washington:

Requesting a reversal of a department of transportation regulation.

## MOTIONS

On motion of Senator Huntley, the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 16.

On motion of Senator Huntley, the rules were suspended, Senate Joint Memorial No. 16 was advanced to second reading and read the second time in full.

On motion of Senator Huntley, the rules were suspended, Senate Joint Memorial No. 16 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Metcalf yield? Senator, how are these people going to understand that they should take the blow in the balloon test if they do not know the English language? Isn't that what they are trying to get at here?"

Senator Metcalf: "I do not think that is what the federal government is trying to get at here. It is trying to restrict—just an increase and expansion of federal power is what I see."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 16, and the memorial passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.



Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Day, Durkan, Greive, Herr—4.

SENATE JOINT MEMORIAL NO. 16, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Woodall, Senate Joint Memorial No. 16 was ordered immediately transmitted to the House.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, by Committee on Revenue and Taxation:

Providing penalties for late payment of excise taxes.

Referred to the Committee on Ways and Means—Revenue and Taxation.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 394.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Holman moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 383 failed to pass the Senate.

Debate ensued.

The motion carried.

#### MOTIONS

On motion of Senator Holman, the rules were suspended and Engrossed Senate Bill No. 383 was returned to second reading.

On motion of Senator Holman, the following amendment was adopted:

Strike the Guess amendment to page 6, section 3, line 30, being lines 27 through 33 of page 6, and lines 1 and 2 of page 7 of the engrossed bill.

On motion of Senator Holman, the rules were suspended, Reengrossed Senate Bill No. 383 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 Reengrossed Senate Bill No. 383, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Andersen, Bailey, Clarke, Connor, Cooney, Elicker, Francis, Gardner, Gissberg, Greive, Guess, Holman, Keefe, Lewis, McCutcheon, McDougall, Mardesich, Murray, Peterson (Ted), Sandison, Scott, Stender, Talley, Twigg, Whetzel, Wilson—26.

Voting nay: Senators Atwood, Canfield, Day, Donohue, Dore, Durkan, Fleming, Foley, Henry, Huntley, Jolly, Knoblauch, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Ridder, Stortini, Walgren, Washington, Woodall—22.

Absent or not voting: Senator Herr—1.

REENGROSSED SENATE BILL NO. 383, having received the constitutional 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 Holman, Reengrossed Senate Bill No. 383 was ordered immediately transmitted to the House.

#### PERSONAL PRIVILEGE

Senator Ridder: "A point of personal privilege. We have now passed this bill and it is in the record but I would like to draw the members' attention that student, faculty and employee housing and boarding may be built."

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Andersen moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 298 passed the Senate.

Debate ensued.

Senator Metcalf demanded a roll call on the motion for reconsideration and the demand was sustained by Senators Stender, McDougall, Washington, Fleming, Ridder, Keefe, Connor, Cooney and Francis.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 16; nays, 30; absent or not voting, 3.

Voting yea: Senators Atwood, Canfield, Clarke, Elicker, Foley, Guess, Holman, McDougall, Matson, Murray, Newschwander, Scott, Stender, Twigg, Whetzel, Woodall—16.

Voting nay: Senators Andersen, Bailey, Connor, Cooney, Day, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—30.

Absent or not voting: Senators Donohue, Herr, Huntley—3.

#### MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 151 was made a special order of business for 2:00 p.m. today.

#### SECOND READING

SENATE BILL NO. 789, by Senator Wilson (by Parks and Recreation Commission request):

Allowing recreation commission and concessionaire to mutually alter terms of concession or lease.

The Senate resumed consideration of Senate Bill No. 789 as amended by Senator Mardesich on April 12, 1971.

On motion of Senator Woodall, the following amendment was adopted:

On page 2, section 1, line 6, after "park]" strike the material down through and including "No" on line 10 and insert "[. No] no"

On motion of Senator Woodall, the rules were suspended, Engrossed Senate Bill No. 789 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. 789, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senator McCutcheon—1.

Absent or not voting: Senator Herr—1.

ENGROSSED SENATE BILL NO. 789, having received the 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. 415, by Senators Durkan, Stender, Stortini, Greive and Ridder:  
Providing for the regulation of labor relations in health care activities.

#### REPORT OF STANDING COMMITTEE

March 16, 1971.

SENATE BILL NO. 415, providing for the regulation of labor relations in health care activities (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 8, after "their" strike "nursing"

On page 1, section 1, line 10, after "right of" strike "nursing"

On page 1, section 2, beginning on line 27 strike "registered nurse or licensed practical nurse" and insert "person"

On page 3, add new sections following section 6 as follows:

**NEW SECTION.** Sec. 7. If after a reasonable period of negotiation, a dispute or impasse exists between the representatives of the employer and the bargaining unit, either party may voluntarily submit any matter in dispute to mediation.

**NEW SECTION.** Sec. 8. Once mediation has commenced, it shall continue for so long as the parties have not reached an agreement. If, however, an agreement has not been reached within twenty days after mediation has commenced, the department of labor and industries shall appoint a fact-finding panel which may consist of either one or three qualified members. If a panel is so designated or selected it shall hold hearings within ten days of the receipt of the request and take oral or written testimony and shall have subpoena power. If after an additional twenty days the parties have not reached an agreement, the panel shall make findings of fact and recommendations:

(1) The findings of fact and recommendations shall be sent by registered mail to the director of the department of labor and industries and to both parties.

(2) Not more than ten days after the findings and recommendations shall have been sent, the parties shall notify the department of labor and industries and each other whether or not they accept the recommendations of the fact-finding panel and if they do not, the panel shall publicize its findings of fact and recommendations.

(3) Not less than five days nor more than ten days after the publication of the findings of fact and recommendations, the parties shall again notify the department of labor and industries whether or not they will accept the recommendations of the fact-finding panel.

The cost of the fact-finding panel shall be divided equally between the parties. The director of the department shall establish rules and regulations under which panels shall operate, including but not limited to, compensation for panel members.

**NEW SECTION.** Sec. 9. If the representative of either or both the bargaining unit and the employer refuse to submit to the procedures set forth in section 8 of this 1971 act after agreeing to submit to mediation, such refusal shall be deemed a refusal to bargain in good faith and unfair practice charges may be filed by the submitting party or the director of the department may on his own, issue an unfair practice complaint in compliance with sections 4 and 5 of this act.

**NEW SECTION.** Sec. 10. The employer and a bargaining representative may agree to require that disputes between them concerning wages or salaries, hours of employment, or other employment conditions shall be resolved by binding arbitration. Such agreement may be made a provision in a collective bargaining agreement or may be made after mediation fails to resolve the dispute. Any such arbitration agreed to by such parties shall be conducted under the provisions of chapter 49.08 RCW: PROVIDED, That the findings of the board of arbitration shall be binding on the employer and the bargaining representative. All expenses and costs of such arbitration service shall be apportioned among the parties notwithstanding the provisions of RCW 49.08.060."

Reumber the remaining section accordingly.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

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 rules were suspended, Engrossed Senate Bill No. 415 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. 415, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent or not voting, 6.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Holman, Jolly, Keefe, Knoblauch, Mardesich, Matson, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson—32.

Voting nay: Senators Canfield, Clarke, Guess, Lewis, McDougall, Metcalf, Murray, Newschwander, Twigg, Whetzel, Woodall—11.

Absent or not voting: Senators Andersen, Atwood, Gissberg, Herr, Huntley, McCutcheon—6.

ENGROSSED SENATE BILL NO. 415, having received the constitutional 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 12:25 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

Senators Atwood, Stender and McDougall 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.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, by Committee on Appropriations:

Enacting the operating budget.

## REPORT OF STANDING COMMITTEE

April 13, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, enacting the operating budget (reported by Committee on Ways and Means):

MAJORITY recommendation: As amended, without recommendation.

On page 1 after the enacting clause strike the remainder of the bill and insert the following:

"NEW SECTION. Section 1. That a budget is hereby adopted and subject to the provisions set forth in the following sections the several amounts specified in the following sections, 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 agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973, except as otherwise provided, out of the several funds of the state hereinafter named.

## NEW SECTION. Sec. 2. FOR THE STATE LEGISLATURE

## General Fund Appropriation

Senate Expenses and salaries of members..... \$ 3,465,000

House of Representatives Expenses and salaries of members..... \$ 5,185,675

Legislative Council: *Provided*, That those amounts included for Public Employees' Retirement contributions be used for that purpose only.... \$ 417,074

## Legislative Budget Committee:

*Provided*, That those amounts included for Public Employees' Retirement contributions be used for that purpose only..... \$ 361,030

Joint Committee on Education..... \$ 255,029

Joint Committee on Higher Education..... \$ 153,356

Joint Committee on Nuclear Energy..... \$ 12,650

## Motor Vehicle Fund Appropriation

Joint Committee on Highways..... \$ 128,050

## NEW SECTION. Sec. 3. FOR THE PUBLIC PENSION COMMISSION

General Fund Appropriation..... \$ 93,350

## NEW SECTION. Sec. 4. FOR THE PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation..... \$ 2,014,331

## NEW SECTION. Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation: *Provided*, That funds appropriated for the Supreme Court may be used for authorized expenses incurred in perfecting appellate review of indigent cases but not to exceed \$324,686... \$ 1,748,000

## NEW SECTION. Sec. 6. FOR THE LAW LIBRARY

General Fund Appropriation..... \$ 440,000

## NEW SECTION. Sec. 7. FOR THE COURT OF APPEALS

General Fund Appropriation..... \$ 1,679,361

## NEW SECTION. Sec. 8. FOR THE COURT ADMINISTRATOR

General Fund Appropriation..... \$ 258,762

General Fund Appropriation for Superior Court Judges..... \$ 2,115,918

## General Fund Appropriation

Judges' Retirement Fund Contributions..... \$ 328,575

## Additional Judges' Retirement Fund

Contributions in accordance with RCW 2.12.060..... \$ 144,445

## NEW SECTION. Sec. 9. FOR THE JUDICIAL COUNCIL

General Fund Appropriation..... \$ 93,164

## NEW SECTION. Sec. 10. FOR THE OFFICE OF THE GOVERNOR

## General Fund Appropriation

Executive Operations ..... \$ 752,369

Investigation and Emergency Purposes—To be distributed on vouchers approved by the governor..... \$ 20,000

Extradition Expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the Governor (including prior claims).....	\$	50,000
Mansion Maintenance .....	\$	52,000
<b>NEW SECTION. Sec. 11. FOR THE LIEUTENANT GOVERNOR</b>		
General Fund Appropriation.....	\$	60,385
<b>NEW SECTION. Sec. 12. FOR THE SECRETARY OF STATE</b>		
General Fund Appropriation: <i>Provided</i> , That \$360,038 shall be available only for initiative and referendum, voters' and candidates' pamphlet, and related legal and other advertising purposes.....	\$	1,330,878
<b>NEW SECTION. Sec. 13. FOR THE STATE TREASURER</b>		
General Fund Appropriation.....	\$	794,853
General Fund—Investment Reserve Account		
Appropriation .....	\$	620,111
Motor Vehicle Fund Appropriation.....	\$	12,476
<b>NEW SECTION, Sec. 14. FOR THE STATE AUDITOR</b>		
General Fund Appropriation		
For Operations .....	\$	2,167,632
Payment of supplies and services furnished in previous biennia.....	\$	250,000
Criminal cost bills.....	\$	30,000
Motor Vehicle Fund Appropriation.....	\$	101,746
<b>NEW SECTION. Sec. 15. FOR THE ATTORNEY GENERAL</b>		
General Fund Appropriation.....	\$	1,045,934
General Legal Services Revolving Fund Appropriation.....	\$	5,502,936
General Fund—Federal .....	\$	
General Fund—Appropriation for Washington Organized Crime Intelligence System .....	\$	
<b>NEW SECTION. Sec. 16. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT</b>		
General Fund Appropriation.....	\$	3,613,291
Motor Vehicle Excise Fund Appropriation.....	\$	136,585
<b>NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF PERSONNEL</b>		
Personnel Service Revolving Fund Appropriation:		
<i>Provided</i> , That \$15,000 shall be available for administration and for payment of Employees' Suggestion Awards.....	\$	3,214,137
<b>NEW SECTION. Sec. 18. FOR THE CAPITOL COMMITTEE</b>		
General Fund—Capital Building Construction		
Account Appropriation .....	\$	20,000
Motor Vehicle Fund Appropriation.....	\$	10,000
<b>NEW SECTION. Sec. 19. FOR THE FINANCE COMMITTEE</b>		
General Fund—Investment Reserve Account Appropriation.....	\$	248,153
General Fund—Water Pollution Control Facilities Account Appropriation..	\$	22,700
General Fund—State Building and Higher Education Construction Account		
Appropriation .....	\$	40,200
General Fund—Outdoor Recreation Account Appropriation.....	\$	27,450
Motor Vehicle Fund Appropriation.....	\$	103,725
Motor Vehicle Fund—Urban Arterial Trust Account Appropriation.....	\$	79,975
<b>NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF REVENUE</b>		
General Fund Appropriation: <i>Provided</i> , That funds received as reimbursements pursuant to Chapter 84.41 RCW are hereby appropriated to the Department of Revenue in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1973 may be allotted in advance of receipts.....	\$	13,218,788

## NEW SECTION. Sec. 21. FOR THE TAX APPEALS BOARD

General Fund Appropriation.....	\$	385,208
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## NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation: <i>Provided</i> , That \$707,000 shall be allocated to the Division of Banking.....	\$	3,912,053
Department of General Administration Facilities and Services Revolving Fund Appropriation .....	\$	4,302,979

## NEW SECTION. Sec. 23. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation: <i>Provided</i> , That \$722,654 shall be available solely for the support of the Fire Safety and Regulation Program....	\$	3,065,541
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## NEW SECTION. Sec. 24. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation.....	\$	57,903,394
Public School Building Bond Redemption Fund 1955 (1965 Refunded) Appropriation .....	\$	30,521
Public School Building Bond Redemption Fund 1957 Appropriation.....	\$	9,176,200
Public School Building Bond Redemption Fund 1959 Appropriation.....	\$	4,727,900
Public School Building Bond Redemption Fund 1961 Appropriation.....	\$	7,136,495
Public School Building Bond Redemption Fund 1963 Appropriation.....	\$	8,607,673
Public School Building Bond Redemption Fund 1965 Appropriation.....	\$	2,397,812
Common School Building Bond Redemption Fund Appropriation.....	\$	5,825,445
University of Washington Bond Retirement Fund Appropriation.....	\$	3,550,303
Washington State University Bond Retirement Fund Appropriation.....	\$	2,018,335
Central Washington State College Bond Retirement Fund Appropriation...	\$	484,508
Eastern Washington State College Bond Retirement Fund Appropriation...	\$	548,553
Western Washington State College Bond Retirement Fund Appropriation..	\$	1,121,360
Institutional Building Bond Redemption Fund 1957 Appropriation.....	\$	3,450,180
State Building Construction Bond Redemption Fund Appropriation.....	\$	8,414,555
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .....	\$	8,314,838
State Building and Higher Education Bond Redemption Fund 1967 Appropriation .....	\$	6,982,405
Juvenile Correctional Institutional Building Bond Redemption Fund Appropriation .....	\$	603,585
General Administration Bond Retirement Fund Appropriation.....	\$	729,336
State Building and Parking Bond Redemption Fund Appropriation.....	\$	2,261,380
State Building Construction Bond Redemption Fund 1967 Appropriation....	\$	603,110
War Veterans' Compensation Bond Retirement Fund Appropriation.....	\$	3,149,180
World Fair Bond Redemption Fund Appropriation.....	\$	1,631,625
Outdoor Recreational Bond Redemption Fund 1963 Appropriation.....	\$	912,507
Water Pollution Control Bond Redemption Fund Appropriation.....	\$	2,025,000
Community College Bond Retirement Fund Appropriation.....	\$	8,746,045
Outdoor Recreational Bond Redemption Fund 1967 Appropriation.....	\$	1,915,000

## NEW SECTION. Sec. 25. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution..	\$	1,110,150
General Fund Appropriation for public utility district excise tax distribution .....	\$	9,787,200
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution.....	\$	99,118
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution..	\$	16,400,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution .....	\$	18,140,882
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution.....	\$	110,417,254
State School Equalization Fund Appropriation for Mass Transit Assistance Distribution .....	\$	6,935,900
Liquor Board Revolving Fund Appropriation for liquor profits distribution..	\$	31,574,808

**NEW SECTION. Sec. 26. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for forest reserve fund distribution....	\$ 29,069,506
General Fund Appropriation for federal flood control funds distribution...	\$ 25,475
General Fund Appropriation for federal grazing fees distribution.....	\$ 14,204

**NEW SECTION. Sec. 27. FOR THE STATE EMPLOYEES' INSURANCE BOARD**

State Employees' Insurance Fund Appropriation.....	\$ 29,680
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**NEW SECTION. Sec. 28. FOR THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Retirement System Expense Fund Appropriation: <i>Provided</i> , That \$130,480 shall be available only for fees paid retained investment counsel.....	\$ 1,435,469
Washington Law Enforcement Officers' and Fire Fighters' Retirement System Fund for administration: <i>Provided</i> , That \$9,000 shall be available only for fees paid retained investment counsel.....	\$ 227,958

**NEW SECTION. Sec. 29. FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM**

General Fund Appropriation for payment of benefits.....	\$ 1,242,543
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**NEW SECTION. Sec. 30. FOR THE MUNICIPAL RESEARCH COUNCIL**

Motor Vehicle Excise Fund Appropriation.....	\$ 460,000
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**NEW SECTION. Sec. 31. FOR THE UNIFORM LEGISLATION COMMISSION**

General Fund Appropriation.....	\$ 7,830
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**NEW SECTION. Sec. 32. FOR THE PRESIDENTIAL ELECTORS**

General Fund Appropriation.....	\$ 325
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**NEW SECTION. Sec. 33. FOR THE ACCOUNTANCY BOARD**

General Fund Appropriation.....	\$ 187,300
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**NEW SECTION. Sec. 34. FOR THE ATHLETIC COMMISSION**

General Fund Appropriation.....	\$ 26,391
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**NEW SECTION. Sec. 35. FOR THE CEMETERY BOARD**

General Fund for Cemetery Account Appropriation: <i>Provided</i> , That \$17,000 shall be available solely for legal services provided by the Attorney General .....	\$ 40,247
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**NEW SECTION. Sec. 36. FOR THE HORSE RACING COMMISSION**

Racing Commission Fund Appropriation: <i>Provided</i> , That if there are more than 364 racing days during the 1971-73 biennium, the Governor is hereby authorized to allocate such additional funds as may be required \$	878,008
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**NEW SECTION. Sec. 37. FOR THE LIQUOR CONTROL BOARD**

Liquor Board Revolving Fund Appropriation.....	\$ 25,106,532
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**NEW SECTION. Sec. 38. FOR THE PHARMACY BOARD**

General Fund Appropriation: <i>Provided</i> , That if chapter ....., Laws of 1971 (House Bill 411) be adopted by the Legislature this amount shall be increased to appropriate the additional income generated for the activities of the board: <i>Provided, further</i> , That \$100,000 shall be made available to the Narcotics and Drug Division of law enforcement agencies in cities above 500,000.....	\$ 304,201
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**NEW SECTION. Sec. 39. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Fund Appropriation.....	\$ 5,225,629
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**NEW SECTION. Sec. 40. FOR THE BOARD FOR VOLUNTEER FIREMEN**

Volunteer Firemen's Relief and Pension Fund Appropriation..... \$ 46,574

**NEW SECTION. Sec. 41. FOR THE LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION**

General Fund Appropriation..... \$ 163,391

**NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF CIVIL DEFENSE**

General Fund Appropriation..... \$ 887,718

**NEW SECTION. Sec. 43. FOR THE MILITARY DEPARTMENT**

General Fund Appropriation..... \$ 2,097,108  
 Armory Fund Appropriation..... \$ 978,201

**NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—OFFICE OF THE SECRETARY**

General Fund Appropriation..... \$ 940,222

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 VETERANS' SERVICES**

General Fund Appropriation..... \$ 782,000

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF HEALTH**

General Fund Appropriation: *Provided*, That the Secretary of the Department of Social and Health Services is authorized to allocate up to \$300,000 from state sources for support of local Kidney Centers: *Provided*, That not more than \$2,500,000 shall be provided for support of county tuberculosis programs during this biennium: *Provided, further*, That notwithstanding the provisions of RCW 66.08.180, that during the 1971-73 biennium the allocations to the University of Washington and Washington State University shall be reduced by \$300,000 and \$200,000 respectively and these additional funds transferred to the general fund for use by the Division of Health, Department of Social and Health Services, to carry out the purposes of RCW 70.96.085 as now or hereafter amended ..... \$ 24,198,119

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF INSTITUTIONS**

General Fund Appropriation: *Provided*, That inter-program transfers may be made among the amounts listed below to the extent that the workload of any such program exceeds or is less than the estimates contained within the budget..... \$172,656,540

Headquarters ..... \$ 5,252,752

Juvenile Rehabilitation: *Provided*, That it is the intent that the facilities at Fort Worden shall continue to serve its residents to June 30, 1973..... \$ 31,159,049

Adult Corrections ..... \$ 31,783,885

Mental Health: *Provided*, That \$9,799,304 shall be utilized only to continue operation of Northern State Hospital: *Provided*, That it is the intent that the facilities at Olympic Center shall continue to serve its residents to June 30, 1973 ..... \$ 49,571,082

Developmental Disabilities ..... \$ 49,978,458

Veterans' Homes ..... \$ 4,911,322

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF PUBLIC ASSISTANCE**

General Fund Appropriation..... \$731,553,261

The Department of Social and Health Services is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payments if necessary, and

to effect all economies possible in the administration of such programs during the 1971-73 biennium: *Provided*, That of the total amount appropriated herein \$373,968,211 shall be the state share, and \$357,585,050 shall be the federal share: *Provided*, That not more than \$96,000,000 shall be expended for administration during the 1971-73 biennium: *Provided*, That the Department of Social and Health Services shall make not more than \$1,082,200 available to the University of Washington for the payment of physicians services and fees at King County Hospital: *Provided*, That of this appropriation \$3,235,881 of which \$1,620,713 shall be in state funds shall be used exclusively for the purpose of increasing payment rates to Class I Nursing Homes at \$11.12 and Class II Nursing Homes at \$8.69 and Intermediate Care Facilities at \$6.58 for the 1971-73 biennium: *Provided*, That responsibility for fraud investigation and referral shall be centralized in a single administrative unit which shall be directly responsible to an Assistant Secretary of the Department of Social and Health Services: *Provided*, That the Department shall investigate the practices employed by the State of Oregon for possible use in Washington: *Provided*, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That the Division of Public Assistance in conjunction with the Office of Program Planning and Fiscal Management and in cooperation with the Department of Highways, the Planning and Community Affairs Agency, the Department of Commerce and Economic Development and such other state agencies as it is deemed necessary develop and present to the legislature prior to January 1, 1972 a detailed master plan including methods of implementing and financing the plan which will provide employment for at least 200 public assistance recipients in community-based work training programs: *Provided*, That notwithstanding the provisions of section 97 of this act federal matching funds received in the month of July, 1971, may be credited to the 1969-1971 biennium to the extent necessary to fund expenditures for the 1969-1971 biennium: *Provided*, That the Dental Profession, through its nonprofit corporation of participating dentists, continue to serve as the fiscal intermediary of the dental program at a maximum administration fee of 4.22% of moneys expended (2.32% of moneys expended to be available from moneys appropriated for dental care) with services to be performed detailed in contract form for the biennium commencing July 1, 1971, and ending June 30, 1973: *Provided, further*, That during the biennium a comparative study, by a mutually agreed, outside agency, be made of the total true costs that would be experienced if the department furnished the same services presently performed by the fiscal intermediary expressed as a percentage of moneys expended. The study to be financed equally by the dental fiscal intermediary and the department, and a report of the study to be made to the 1973 Legislature: *Provided*, That if any part of this act shall be found to be in conflict with Federal requirements which are a prescribed condition to the allocation of Federal funds to the State, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet Federal requirements which are a necessary condition to the receipt of Federal funds by the State: *Provided*, That of this amount \$500,000 or so much thereof as shall be necessary shall be utilized to establish demonstration projects providing twenty-four hour day care services: *Provided*, That of this amount \$28,363,608 shall be used exclusively to update standards of which the state share shall be \$15,130,584: *Provided*, That the Secretary of the Division of Public Assistance shall select for a two year term three (3) public assistance recipients to serve in an

advisory capacity to the State Public Assistance Advisory Board. The three people must be selected from a list of ten (10) names submitted by the Washington State Welfare Rights Organization, two (2) of whom will be from Western Washington and one (1) of whom must be from Eastern Washington: *Provided, further*, That said advisory board group shall meet at least six (6) times per year, and the three (3) recipients selected shall receive actual expenses as provided for in RCW 43.03.050 and 43.03.060 for such meetings.

General Fund Appropriation: <i>Provided</i> , That this appropriation shall be utilized exclusively for the purpose of implementing the first phase of the recommendation of Touche, Ross and Company made to the Legislative Budget Committee in their December 1970 report relative to resystemization which shall consist of the complete detailed systems design necessary for the centralization and automation of the process up to the point of actual computer programming and implementation: <i>Provided, further</i> , That this appropriation shall be for the period up to January 31, 1972.....	\$ 250,000
General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1969-1971 appropriation or allotment for this purpose.....	\$ 4,000,000

**DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
DIVISION OF VOCATIONAL REHABILITATION**

General Fund Appropriation: <i>Provided</i> , That not more than \$3,976,245 is from state sources: <i>Provided</i> , That it is the intent of the Legislature that special attention be given to clients referred by the Division of Public Assistance and that payments for maintenance by the Division of Vocational Rehabilitation to these clients are specifically authorized: <i>Provided</i> , That it is the intent of the Legislature that emphasis be given to a cooperative use of resources between the Division of Vocational Rehabilitation, the Division of Institutions, the Department of Labor and Industries and the Department of Employment Security: <i>Provided, further</i> , That not more than \$198,000 from state sources shall be available for services in connection with maintenance and operation of programs for artificial kidney centers and kidney transplants.....	\$ 19,209,578
General Fund Appropriations for medical services and supplies including adjustments of hospital costs not in excess of the unexpended balance of the 1967-1969 appropriation or allotment for this purpose.....	\$ 25,000

**NEW SECTION. Sec. 45. FOR THE OFFICE OF ECONOMIC OPPORTUNITY**

General Fund Appropriation: <i>Provided</i> , That \$870,000 shall be available for support or supplementation of Head Start projects approved for Federal Funds .....	\$ 3,366,753
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**NEW SECTION. Sec. 46. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY**

General Fund Appropriation: <i>Provided</i> , That the Legislative Budget Committee shall conduct a quarterly review of the priorities and funding levels being set by the State Committee on Law and Justice.....	\$ 24,985,260
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**NEW SECTION. Sec. 47. FOR THE BOARD AGAINST DISCRIMINATION**

General Fund Appropriation.....	\$ 830,923
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**NEW SECTION. Sec. 48. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Accident Fund Appropriation.....	\$ 978,723
Medical Aid Fund Appropriation.....	\$ 978,723

**NEW SECTION. Sec. 49. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund Appropriation.....	\$ 2,233,916
General Fund—Electrical License Account Appropriation.....	\$ 1,988,936
General Fund—Industrial Relations Account Appropriation.....	\$ 191,341

Accident Fund Appropriation.....	\$ 11,215,499
Medical Aid Fund Appropriation.....	\$ 13,748,479
<b>NEW SECTION. Sec. 50. FOR THE BOARD OF PRISON TERMS AND PAROLES</b>	
General Fund Appropriation.....	\$ 633,488
<b>NEW SECTION. Sec. 51. FOR THE EMPLOYMENT SECURITY DEPARTMENT</b>	
General Fund Appropriation.....	\$ 9,584,612
Unemployment Compensation Administration Fund Appropriation.....	\$ 34,588,744
Administrative Contingency Fund Appropriation.....	\$ 200,000
<b>NEW SECTION. Sec. 52. FOR THE OCEANOGRAPHIC COM- MISSION OF WASHINGTON</b>	
General Fund Appropriation.....	\$ 87,688
<b>NEW SECTION. Sec. 53. FOR THE DEPARTMENT OF ECOLOGY</b>	
General Fund Appropriation.....	\$ 10,225,544
General Fund—Reclamation Revolving Account Appropriation.....	\$ 320,156
Basic Data Fund Appropriation.....	\$ 160,714
General Fund—Water Pollution Control Facilities Account Appropriation..	\$ 5,581,969
<b>NEW SECTION. Sec. 54. FOR THE POLLUTION CONTROL HEAR- INGS BOARD</b>	
General Fund Appropriation.....	\$ 137,370
<b>NEW SECTION. Sec. 55. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL</b>	
General Fund Appropriation.....	\$ 103,167
<b>NEW SECTION. Sec. 56. FOR THE PARKS AND RECREATION COMMISSION</b>	
General Fund Appropriation: <i>Provided</i> , That \$717,774 shall be used for payment of rental on state trust lands reserved for park purposes: <i>Provided</i> , That \$20,000 of this sum shall be used in full payment for the historical ferry San Mateo to the highway department.....	\$ 11,392,420
Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within state parks.....	\$ 862,335
<b>NEW SECTION. Sec. 57. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</b>	
General Fund—Outdoor Recreation Account Appropriation: <i>Provided</i> , That not to exceed \$558,108 will be used for administrative expenses: <i>Provided</i> , That funds herein appropriated may be used for the improve- ment or construction of swimming pools.....	\$ 16,373,642
<b>NEW SECTION. Sec. 58. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT</b>	
General Fund Appropriation: <i>Provided</i> , That the department of commerce and economic development shall provide necessary administrative assistance to the oceanographic commission and the thermal power plant site evaluation council.....	\$ 1,811,200
Motor Vehicle Fund Appropriation—For Tourist Promotion.....	\$ 774,800
<b>NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF FISHERIES</b>	
General Fund Appropriations:	
(1) General operations: <i>Provided</i> , That priority in available funding shall be given to maintaining and increasing hatchery program fish production .....	\$ 9,320,696
(2) Patrol and Law Enforcement.....	\$ 1,156,277
(3) Stream Improvement .....	\$ 821,188
(4) Fisheries Advisory Committee.....	\$ 4,000
General Fund—Lewis River Hatchery Account Appropriation.....	\$ 26,640

## NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF GAME

Game Fund Appropriation.....	\$ 17,417,164
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## NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation.....	\$ 8,819,860
General Fund Appropriation—Emergency Fire Suppression costs: <i>Provided</i> , That the funds hereby appropriated shall be allocated and transferred to the Contingency Forest Fire Suppression account appropriation only as actually needed for purposes of paying emergency forest fire suppression costs .....	\$ 575,000
General Fund—Contingency Forest Fire Suppression Account Appropriation	\$ 1,000,000
General Fund—Forest Development Account Appropriation.....	\$ 2,616,188
General Fund—Resource Management Cost Account Appropriation.....	\$ 15,126,517

## NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation.....	\$ 4,482,222
General Fund Appropriation—for Predator Control.....	\$ 25,000
General Fund—Expenses of implementing Chapter ....., Laws of 1971, 1st ex. sess. (SSB No. 446): <i>Provided</i> , That not to exceed \$50,000 of this amount shall be allocated from General Fund-State resources.....	\$ 100,000
General Fund—Commercial Feed Account Appropriation.....	\$ 175,391
General Fund—Commission Merchants Account Appropriation.....	\$ 100,508
General Fund—Egg Inspection Account Appropriation.....	\$ 258,123
General Fund—Feeds and Fertilizer Account Appropriation.....	\$ 8,386
General Fund—Agricultural Mineral and Lime Account Appropriation.....	\$ 179,980
General Fund—Nursery Inspection Account Appropriation.....	\$ 130,828
General Fund—Seed Account Appropriation.....	\$ 306,721
Grain and Hay Inspection Fund Appropriation.....	\$ 2,701,010

## NEW SECTION. Sec. 63. FOR THE AERONAUTICS COMMISSION

General Fund—Aircraft Search and Rescue, Safety and Education Account Appropriation .....	\$ 47,790
General Fund—Aeronautics Account Appropriation.....	\$ 574,442

## NEW SECTION. Sec. 64. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund—Puget Sound Pilotage Account Appropriation.....	\$ 7,832
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## NEW SECTION. Sec. 65. FOR THE WASHINGTON STATE PATROL

Motor Vehicle Fund Appropriation.....	\$ 35,876,830
General Fund Appropriation.....	\$ 1,918,434

## NEW SECTION. Sec. 66. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION

Motor Vehicle Fund Appropriation.....	\$ 5,700
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## NEW SECTION. Sec. 67. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund Appropriation: <i>Provided</i> , That not to exceed \$81,980 will be used for administrative expenses.....	\$ 2,536,095
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## NEW SECTION. Sec. 68. FOR THE DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation.....	\$ 2,881,729
General Fund Appropriation for State Board of Chiropractic Examiners and the Chiropractic Disciplinary Board.....	\$ 19,000
General Fund—Architect's License Account Appropriation.....	\$ 94,439
General Fund—Commercial Automobile Driver Training Schools Account Appropriation .....	\$ 3,052
General Fund—Optician's Account Appropriation.....	\$ 3,210
General Fund—Optometry Account Appropriation.....	\$ 17,121
General Fund—Professional Engineer's Account Appropriation.....	\$ 197,552
General Fund—Real Estate Commission Account Appropriation.....	\$ 1,122,564
General Fund—Sanitarians' Licensing Account Appropriation.....	\$ 8,604
General Fund—Board of Psychological Examiners' Account Appropriation	\$ 7,551

Highway Safety Fund Appropriation.....	\$ 12,382,054
Motor Vehicle Fund Appropriation.....	\$ 9,626,369

**NEW SECTION. Sec. 69. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation: *Provided*, That \$385,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more, meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council for Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided, further*, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That an additional three percent may be waived in 1971-72 and 1972-73: *Provided*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: *Provided*, That of this amount \$60,000 or so much thereof as shall be necessary shall be employed exclusively for the purpose of maintaining the 1971-73 expenditure level for the Institute of Forest Products: *Provided*, That the University of Washington shall expend from any funds that may be available to it the sum of \$650,000 for a medical family practice program, including not less than \$250,000 to be expended at off-campus locations: *Provided, further*, That the increase in tuition shall be phased over a three year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year.....

Accident Fund Appropriation.....	\$123,703,001
Medical Aid Fund Appropriation.....	\$ 351,000
General Fund Appropriation for the continuing operation of Harborview Medical Center as a teaching resource for the University of Washington	\$ 4,700,000

**NEW SECTION. Sec. 70. FOR THE WASHINGTON STATE UNIVERSITY**

General Fund appropriation: *Provided*, That \$155,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on

additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That an additional three percent may be waived in 1971-72 and 1972-73: *Provided, further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: *Provided, further*, That the increase in tuition shall be phased over a three year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year: *Provided, further*, That \$3,750,000, in addition to the other amounts included in this appropriation, shall be made available for the following purposes: \$2,250,000 for Agricultural Research, \$1,250,000 for Cooperative Extension Services, and \$250,000 for Engineering Research ..... \$ 67,734,230

**NEW SECTION. Sec. 71. FOR THE EASTERN WASHINGTON STATE COLLEGE**

General Fund Appropriation: *Provided*, That \$70,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That an additional three percent may be waived in 1971-72 and 1972-73: *Provided, further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: *Provided, further*, That the increase in tuition shall be phased over a three year period of time or until a degree is granted to those out-

of-state students enrolled during spring quarter of the 1970-71 academic year ..... \$ 18,396,202

NEW SECTION. Sec. 72. FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: Provided, That \$75,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, and Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: Provided, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: Provided, That an additional three percent may be waived in 1971-72 and 1972-73: Provided, further, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: Provided, further, That the increase in tuition shall be phased over a three year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year ..... \$ 20,428,484

NEW SECTION. Sec. 73. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation: Provided, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: Provided, That an additional three percent may be waived in 1971-72 and 1972-73: Provided, further, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students..... \$ 8,938,786

NEW SECTION. Sec. 74. FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: Provided, That \$100,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of



the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition and fees, incidental, and special fees in whole or in part, comprising three percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That an additional three percent may be waived in 1971-72 and 1972-73: *Provided, further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not be limited to the number and amount of waiver for nonresident students: *Provided, further*, That the increase in tuition shall be phased over a three year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year ..... \$ 23,505,215

**NEW SECTION. Sec. 75. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (Including Board of Education)**

General Fund Appropriation: Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: *Provided*, That not less than \$157,462 shall be exclusively available for drug education: *Provided, further*, That this amount includes federal Civil Rights Grants of \$171,859, Civil Defense Grants of \$68,895 and Follow-Through Grants of \$15,787..... \$ 5,699,132

General Fund Appropriation For General Apportionment: *Provided*, That the weighting schedule to be used in computing the apportionment of funds for each district for 1971-73 shall be based on the following factors: Each full time equivalent student enrolled—1.0; Each full time equivalent student, grades 7-12, an added—.3; Each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added—1.0: *Provided*, That for the 1971-73 biennium the present method of determining excess costs shall be continued subject to review upon completion of a study of vocational education as provided for in Senate Concurrent Resolution No. 2, which study includes defining excess cost of all vocational education programs and pending the completion of such study and an analysis of its results by the Legislative Budget Committee the sum of \$10,147,000 of this appropriation, representing the current weighting for vocational education for 1972-73 shall not be allotted by the Office of Program Planning and Fiscal Management, nor any portion thereof, without the approval of a 60 percent majority of the Legislative Budget Committee; Each identified culturally disadvantaged child receiving an approved program, an added—.1. The factor established by the Superintendent of Public Instruction for use in the 1969-71 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used. For school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small

school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1970-71 school year: *Provided*, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation. Full time equivalent students residing on tax exempt property (chapter 130, Laws of 1969), an added—.25; Full time equivalent students in an approved inter-district cooperative program (chapter 130, Laws of 1969), an added—.25: *Provided*, That not to exceed \$400,000 is included for use by the Superintendent for School District emergencies: *Provided*, That not to exceed \$11,788,569 is included for the five vocational-technical institutes: *Provided*, That not to exceed \$272,800 is included for adult education in vocational-technical institutes: *Provided*, That no portion of these funds shall be allocated to a school district which expends or anticipates expending, moneys in excess of their certified budget or budget extensions thereto as filed with the Office of the Superintendent of Public Instruction and Board of Education: *Provided*, That a subsequent special or regular session of the legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: *Provided*, That for purposes of distributing general fund appropriations for general apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent: *Provided, further*, That \$100,000 shall be allocated from this appropriation to the Dupont School District for the 1971-73 biennium.. \$491,438,718

General Fund Appropriation for Maintenance of Previously Mandated Salary Increases: *Provided*, That it is the intent of the Legislature that this sum is to be made available to the Superintendent of Public Instruction to be allocated for the school years 1971-72 and 1972-73 to local school districts to be employed exclusively for the purpose of maintaining previously granted salary increases to all certificated and classified personnel who received salary increases during the 1969-71 biennium and such funds shall be distributed during 1971-72 and 1972-73 on the basis of each district's average 1968-69 average certificated salary level and average classified salary level improved by seven percent in 1969-70 and improved by an additional four percent in 1970-71 in order to fund the maintenance of the improved level throughout 1971-73: *Provided*, That the sums provided to each school district for this purpose shall be reduced by the amount calculated in each district which would result from reducing the salary levels of employees earning more than \$15,000 per year in accordance with the following schedule:

\$15,001 to \$20,000.....	2% reduction
\$20,001 to \$25,000.....	4% reduction
\$25,001 to \$30,000.....	6% reduction
\$30,001 to \$35,000.....	8% reduction
\$35,001 and above.....	10% reduction:

*Provided*, That in making such calculation it shall be made so that no one shall be reduced below the level of \$15,000 who is currently earning more than that sum: *Provided, further*, That the Superintendent of Public Instruction shall establish rules and regulations to carry out the intent of the Legislature for the distribution of the funds contained in this appropriation including that the calculations shall be made utilizing only average base salaries exclusive of extra stipends \$ 90,942,765

General Fund Appropriation for state matching of federal food service funds, as required by P.L. 91-248 and for continuation of salary increases granted during 1969-71..... \$ 2,444,000

General Fund Appropriation for state contributions to participating school districts to fund employee health benefits: *Provided*, That these funds shall be distributed to those participating districts on an equal amount per staff full time equivalent: *Provided, further*, That the distribution for the first two months of the 1971-73 biennium shall continue on the level of distribution during the 1970-71 school year..... \$ 5,907,078

General Fund Appropriation of two mills of property tax to be distributed in accordance with chapter 216, Laws of 1969 ex. sess., as amended.... \$ 80,907,000

General Fund Appropriation of state forest funds to be distributed..... \$ 750,000

General Fund Appropriation for allocation to Intermediate School Districts \$ 1,457,506

General Fund Appropriation:

Supplementary Education and Cultural Enrichment: *Provided*, That \$50,000 of this appropriation shall be allocated to the Pacific Northwest Indian Center in Spokane..... \$ 650,000

State Institutions ..... \$ 5,388,162

Distribution to counties for school districts: Handicapped Children-Excess Costs: *Provided*, That \$5,023,718 shall be utilized to aid only that category of handicapped children who are identified as being totally unserved (first priority) in the joint report of the Superintendent and the Division of Institutions, December 4, 1970.. \$ 50,986,732

Cerebral Palsy Center..... \$ 391,698

Elementary and Secondary Education Act of 1965, of which \$2,329,086 is for administration..... \$ 37,480,086

To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958), of which \$60,409 is for administration..... \$ 1,500,409

Education of Indian Children, of which \$120,071 is for administration.. \$ 2,100,071

Adult Basic Education, of which \$98,421 is for administration..... \$ 773,421

School Lunch and School Milk Programs, of which \$78,737 is for administration ..... \$ 12,778,737

Grants to Teachers of the Handicapped, of which \$35,432 is for administration ..... \$ 250,432

Staff Development, of which \$36,431 is for administration..... \$ 586,431

Assistance to Blind Students (RCW 28B.10.215)..... \$ 5,000

Urban, Racial, and Rural Disadvantaged: *Provided*, That up to, but not to exceed \$350,000 may be utilized to fund the Supplementary Education and Cultural Enrichment Program where related to efforts of this Urban, Racial and Rural Disadvantaged Program. *Provided, further*, That none of the funds appropriated herein shall be distributed for use in transporting any child whose parents or guardian have, in writing, informed the State Superintendent that they have an objection to having their child so transported..... \$ 8,655,314

Environmental Education: *Provided*, That \$40,000 is for the continued operation of the Northwest Environmental Education Center pilot project for the purpose of building environmental education models which will provide for:

- (1) New and improved curricula at the elementary and secondary levels in environmental education
  - (2) The new and improved in-service and pre-service programs of teacher training in environmental education; this appropriation will also
  - (3) Enable the planning of ecological study centers, and
  - (4) Direct the establishment of inter-institutional relationships to support a state plan in environmental education..... \$ 220,000
- Gifted Program ..... \$ 230,000

General Fund—Traffic Safety Education Account Appropriation, of which \$346,185 is for administration..... \$ 7,438,885

**NEW SECTION. Sec. 76. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

General Fund Appropriation: For administrative expenses of the Board: *Provided*, That \$738,000 shall be available exclusively for the minority affairs programs of the State Board of which \$540,000 shall be from state funds and \$198,000 from federal funds. Such programs shall be developed through a process that insures that all minority groups are represented and included in the planning of such programs..... \$ 1,946,386

For Distribution to the Community Colleges in accordance with Chapter 28B.50 RCW: *Provided*, That not more than \$3,129,620 is to be allocated to the State Board on or before January 1, 1972, for the 1972-73 fiscal year for distribution to the community colleges, as certified by the Governor as meeting the requirements thereof, and approved by a sixty percent majority of the Legislative Budget Committee, with the allocation to be based on the findings of the staff of the Legislative Budget Committee as to the appropriate weighting factor to be used in computing faculty staffing requirements for the vocational-technical enrollments as opposed to a factor of 1.0 for academic transfer enrollments, such study to be based on the definitions and procedures outlined by the Council on Higher Education: *Provided*, That it is the intent of the Legislature that of the 4,118 additional full time equivalent students budgeted to be served in fall quarter 1971 as compared to fall quarter 1970, and of the 4,076 additional full time equivalent students budgeted to be served in fall quarter 1972 as compared to fall quarter 1971, not less than two-thirds shall be enrolled in courses classified as "occupational" by the state board: *Provided*, That \$845,000 of this appropriation shall be administered by the State Board and used only to develop and implement new and innovative educational programs in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental or innovative academic and vocational programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present such programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds, shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education and the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That \$1,479,764 shall be available to the State Board for Community College Education of which \$1,396,781 is contained in this appropriation and \$82,983 shall be provided to the Olympia School District to complete 1970-71 school year obligations and the \$1,396,781 is to be used exclusively to finance vocational education programs and courses, defined as a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue or upgrade themselves in gainful employment, including the work of the home, in occupations not requiring a baccalaureate or higher degree, operated at the Olympia Vocational Technical Institute and distributed on the basis of \$1,032 per full-time equivalent student (900 clock hours accumulated attendance per year): *Provided*, That tuition and fees, in whole or in part, comprising two percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and two percent in 1972-73, shall be waived for needy and economically disadvantaged students, and an additional three percent may be waived in 1971-72 and 1972-73: *Provided*, That an additional one percent of total tuition and fees, incidental, and special fees shall be waived each year for students enrolled in courses leading to the obtaining of a high school certificate: *Provided, further*, That the State Board for Community Colleges shall submit an annual report to the Council on Higher Education in accordance with a format specified

by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: *Provided*, That not more than \$50,000 shall be expended for legal services rendered or for expenses incurred by the Office of the Attorney General: *Provided, further*, That no community college shall suffer any reduction in allotments for the 1971-72 and 1972-73 below those established for 1970-71 except in those cases where an institution's projected F.T.E. enrollment declines..... \$115,396,486

**NEW SECTION. Sec. 77. FOR THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION**

General Fund Appropriation..... \$ 45,000

**NEW SECTION. Sec. 78. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation: *Provided*, That \$1,500 shall be available exclusively for travel and expenses of the commissioners..... \$ 22,500

**NEW SECTION. Sec. 79. FOR THE COUNCIL ON HIGHER EDUCATION**

General Fund Appropriation: *Provided*, That \$1,700,000 of this appropriation shall be used to aid Washington residents attending private institutions of higher education on a full-time basis: *Provided, further*, That \$1,376,700 shall be used for the purposes of the state student financial aid program authorized by RCW 28B.10.800 through 28B.10.824 \$ 3,752,738

**NEW SECTION. Sec. 80. FOR THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION AND ADVISORY COUNCIL FOR OCCUPATIONAL EDUCATION**

General Fund Appropriation: *Provided*, That during each of the 1971-72 fiscal year and the 1972-73 fiscal year the same number of training hours for volunteer firemen shall be continued as were conducted during the 1970-71 fiscal year..... \$ 17,651,384

**NEW SECTION. Sec. 81. FOR THE TEACHERS' RETIREMENT SYSTEM**

Teachers' Retirement Fund Appropriation: *Provided*, That \$135,000 shall be available only for fees paid retained investment counsel..... \$ 968,774

**NEW SECTION. Sec. 82. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation..... \$ 509,744

**NEW SECTION. Sec. 83. FOR THE STATE LIBRARY**

General Fund Appropriation..... \$ 4,724,390

**NEW SECTION. Sec. 84. FOR THE ARTS COMMISSION**

General Fund Appropriation: *Provided*, That not more than \$72,413 shall be from state sources..... \$ 367,413

**NEW SECTION. Sec. 85. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation..... \$ 248,967

**NEW SECTION. Sec. 86. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund Appropriation..... \$ 171,074

**NEW SECTION. Sec. 87. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION**

General Fund Appropriation: *Provided*, That \$5,000 shall be a reappropriation for the George W. Bush Exhibit..... \$ 150,342

General Fund—State Capitol Historical Association Museum Account Appropriation ..... \$ 40,000

NEW SECTION, Sec. 88. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation:

Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: *Provided*, That \$450,000 may be allotted by the Governor for surveys and installations..... \$ 980,000

For allocation by the governor only to those state agencies who demonstrate that agency operations would be seriously impaired by the necessity of absorbing the 6 percent employers contribution to the public employees retirement system..... \$ 750,000

Interstate Nuclear Compact..... \$ 20,000

Advisory Commission on Intergovernmental Relations..... \$ 2,000

Council of State Government..... \$ 56,360

For support of data processing activities to be allocated after consultation with the Data Processing Advisory Committee..... \$ 48,000

For payment of unemployment compensation to state employees pursuant to chapter 3, Laws of 1971, to be allotted to those agencies whose employees are all or in part funded within the General Fund \$ 1,080,000

For additional state contribution to employees health insurance to be allotted to those agencies whose employees are all or in part within the present system of the State Personnel Board, institutions of higher education and local school districts as provided by law: *Provided*, That payments from these funds shall be utilized to provide up to \$15 per state employee per month, up to \$15 per certificated school employee per month and up to \$15 per month per employee of the state institutions of higher education.

General Fund Appropriation..... \$ 9,410,096

General Fund—Commercial Feed Account Appropriation..... \$ 916

General Fund—Commission Merchants Account Appropriation..... \$ 734

General Fund—Egg Inspection Account Appropriation..... \$ 2,054

General Fund—Electrical License Account Appropriation..... \$ 11,376

General Fund—Feed and Fertilizer Account Appropriation..... \$ 56

General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation ..... \$ 1,284

General Fund—Forest Development Account Appropriation..... \$ 16,350

General Fund—Investment Reserve Account Appropriation..... \$ 9,036

General Fund—Lewis River Hatchery Account Appropriation..... \$ 158

General Fund—Nursery Inspection Account Appropriation..... \$ 1,174

General Fund—Reclamation Revolving Account Appropriation..... \$ 1,270

General Fund—Seed Account Appropriation..... \$ 2,348

General Fund—Aeronautics Account Appropriation..... \$ 1,330

General Fund—Search and Rescue Account Appropriation..... \$ 116

General Fund—Resources Management Cost Account Appropriation..... \$ 94,948

General Fund—Traffic Safety Education Account Appropriation..... \$ 1,137

General Fund—Outdoor Recreation Account Appropriation..... \$ 2,816

Game Fund Appropriation..... \$ 112,488

Grain and Hay Inspection Fund Appropriation..... \$ 23,488

Motor Vehicle Fund Appropriation..... \$ 1,113,322

Public Service Revolving Fund Appropriation..... \$ 28,552

Armories Fund Appropriation..... \$ 4,442

Insurance Companies Reimbursement Fund Appropriation..... \$ 1,196

Horse Racing Commission Fund Appropriation..... \$ 1,200

Unclaimed Personal Property Fund Appropriation..... \$ 634

General Legal Services Revolving Fund Appropriation..... \$ 29,330

Department of Personnel Service Fund Appropriation..... \$ 15,467

Higher Education Personnel Board Service Fund Appropriation..... \$ 1,904

Liquor Board Revolving Fund Appropriation..... \$ 192,644

Retirement System Expense Fund Appropriation..... \$ 7,916

Accident Fund Appropriation..... \$ 7,500

Medical Aid Fund Appropriation..... \$ 101,040

Teachers Retirement Fund Appropriation..... \$ 4,600

Volunteer Firemen's Relief and Pension Fund Appropriation..... \$ 318

**NEW SECTION. Sec. 89. FOR THE STATE TEACHERS' RETIREMENT SYSTEM FUND:**

*Provided*, That the State Teachers' Retirement System shall use interest earnings on accumulated state contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings on accumulated state contributions are not sufficient to make pension payments under Chapter 41.32 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the "normal contribution" nor for the "unfunded liability contribution" required by RCW 41.32.401. The board of trustees shall determine pension payments, interest earning on accumulated state contributions, and the portion of funds appropriated by this section necessary for each quarter, and shall notify the state treasurer of the transfers necessary from the general fund to the teachers' retirement fund in accordance with RCW 41.32.401: *Provided, further*, That this section shall not affect member contributions under Chapter 41.32 RCW:

General Fund Appropriation..... \$ 29,400,000

**NEW SECTION. Sec. 90. FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM FUND:**

*Provided*, That the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Retirement Board shall use interest earnings on accumulated contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings are not sufficient to make required pension and refund payments under Chapter 41.26 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the current service liability nor for the prior service liability required by RCW 41.26.080(3). The Retirement Board shall determine pension payments, refunds, interest earnings, and the portion of the funds appropriated by this section necessary for each quarter and shall notify the state treasurer of the amounts to be transferred from the general fund to the Washington law enforcement officers' and fire fighters' retirement system fund: *Provided, further*, That this section shall not affect employee and employer contributions under RCW 41.26.080 nor any contributions made by employers for administrative costs of the system:

General Fund Appropriation..... \$ 1,357,457

**NEW SECTION. Sec. 91. FOR THE STATE TREASURER—TRANSFERS**

General Fund—Investment Reserve Account Appropriation for Transfer to the General Fund on or before June 29, 1973 pursuant to Chapter 50, Laws of 1969..... \$ 5,000,000

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1971 through June 30, 1973.. \$ 1,300,000

**NEW SECTION. Sec. 92. FOR THE STATE TREASURER—TRANSFER**

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1969 through June 30, 1971, the effective date of this section is the effective date of this act... \$ 756,500

**NEW SECTION. Sec. 93.** The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, admin-

istered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above-named officials serve.

**NEW SECTION.** Sec. 94. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all of any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment; *Provided*, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission, Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of Chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided*, That the director of the office of program planning and fiscal management may alter the allotment requests of state colleges and universities in the following cases: (a) 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; (b) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (c) When an agency proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: *Provided, however*, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1971; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1971: *Provided*, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1971.

**NEW SECTION.** Sec. 95. The Legislative Budget Committee shall review the methods and procedures used by the state's colleges, universities, community colleges, and the state board for community college education in determining and reporting student enrollments to the office of program planning and fiscal management and the council on higher education. The Legislative Budget Committee shall also, each fiscal year, make periodic field audits of the accuracy of such procedures and information.

**NEW SECTION.** Sec. 96. For the public four-year colleges and universities and community colleges, it is the intent of the legislature that the minimum average weekly faculty classroom contact hours beginning academic year 1971-72 equal the following:

State Universities .....	10
State Colleges .....	12
Community Colleges .....	15

It is further the intent of the legislature that the average weekly faculty classroom contact hours for all faculty at the rank of assistant professor and above shall be increased by at least five percent between academic year 1970-71 and 1972-73 at each state university, state college, and community college. It shall be the responsibility of the Council on Higher Education to develop uniform definitions and guidelines to carry out the provisions of this section and to report during the interim to the Legislative Budget Committee on the status of its report. The Council shall submit a comprehensive report to the 1973 session of the legislature concerning the implementation of these provisions on faculty classroom contact hours.



**NEW SECTION.** Sec. 97. Any receipts from federal sources, gifts or grants, or other sources in excess of those estimated in the budget may be received by the governor and deposited in the state treasury or other depository provided by law. Any proposal to expend moneys from an appropriated fund or account in excess of appropriations provided by law, based on the receipt of unanticipated revenues, shall be submitted to the state legislature, if it is in session, or to the legislative budget committee during the interim between legislative sessions. The legislative budget committee may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members of the committee. Whenever possible, unanticipated federal or other revenues which were not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular agency programs instead of using funds appropriated from state taxes or similar revenue sources.

**NEW SECTION.** Sec. 98. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 94. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

**NEW SECTION.** Sec. 99. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

**NEW SECTION.** Sec. 100. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 101. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 102. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION.** Sec. 103. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: *Provided*, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for multi-agency use: *Provided, further*, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

**NEW SECTION.** Sec. 104. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the Office of Program Planning and

Fiscal Management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

**NEW SECTION.** Sec. 105. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, including the four-year institutions of higher learning and the community colleges and positions in the offices of elective officials, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

**NEW SECTION.** Sec. 106. All state agencies and institutions of higher education funded by appropriations made by this act shall on July 1, 1971 reduce employee salaries payable out of such appropriations by the percentage amounts set forth below as the percentages relate to the various salary ranges and the classification pay plan shall be revised by the Department of Personnel and the Higher Education Personnel Board to reflect the intent of this section: *Provided*, That no one who is earning more than \$15,000 at the present time shall be reduced below \$15,000 through the operation of this section:

\$15,001 to \$20,000.....	2% reduction;
\$20,001 to \$25,000.....	4% reduction;
\$25,001 to \$30,000.....	6% reduction;
\$30,001 to \$35,000.....	8% reduction;
\$35,001 and above.....	10% reduction;

*Provided*, That none of the provisions of this section shall apply to elected officials.

**NEW SECTION.** Sec. 107. It is the intent of the Legislature that no salary increase be granted in the same job classification to any individual in the employ of the state whose salary is funded by the provisions of this act, including those individuals employed by the six units of higher education, those employed by elected officials or those employed by the community colleges throughout the 1971-73 fiscal period.

**NEW SECTION.** Sec. 108. Each state agency, from its general fund appropriation, shall transmit each month to the Washington public employees' retirement system an amount equivalent to six percent of its total monthly expenditures for salaries and wages of employees covered by the Washington public employees' retirement system, such amount to constitute the employer contribution during the 1971-73 biennium: *Provided*, That in order to comply with the provisions of this section the following appropriations from the following funds and accounts, are hereby appropriated for the 1971-73 employer portion of the public employees' retirement system contributions:

<b>(1) FOR THE JOINT COMMITTEE ON HIGHWAYS</b>	
Motor Vehicle Fund Appropriation.....	\$ 1,850
<b>(2) FOR THE OFFICE OF ECONOMIC OPPORTUNITY</b>	
General Fund—Federal Appropriation.....	\$ 37,540
<b>(3) FOR THE STATE TREASURER</b>	
Investment Reserve Account Appropriation.....	\$ 21,699
Motor Vehicle Fund Appropriation.....	\$ 520
<b>(4) FOR THE ATTORNEY GENERAL</b>	
Legal Services Revolving Fund Appropriation.....	\$ 287,770
<b>(5) FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT</b>	
Motor Vehicle Excise Appropriation.....	\$ 6,046
General Fund—Federal Appropriation.....	\$ 1,993
<b>(6) FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY</b>	
General Fund—Federal Appropriation.....	\$ 33,302
<b>(7) FOR THE DEPARTMENT OF PERSONNEL</b>	
Department of Personnel Service Revolving Fund Appropriation.....	\$ 123,618
<b>(8) FOR THE FINANCE COMMITTEE</b>	
Investment Reserve Account Appropriation.....	\$ 26,005
<b>(9) FOR THE DEPARTMENT OF REVENUE</b>	
Unclaimed Personal Property Appropriation.....	\$ 4,052
<b>(10) FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</b>	
General Administration Facilities and Services Revolving Fund Appropriation .....	\$ 163,985

(11) FOR THE DIVISION OF INSTITUTIONS—HEADQUARTERS	
Probation Services Account Appropriation.....	\$ 2,637
(12) FOR THE INSURANCE COMMISSIONER	
Insurance Company Reimbursement Appropriation.....	\$ 4,787
(13) FOR THE AERONAUTICS COMMISSION	
Aeronautics Account Appropriation.....	\$ 11,660
Search and Rescue Account Appropriation.....	\$ 1,110
(14) FOR THE HORSE RACING COMMISSION	
Horse Race Commission Fund Appropriation.....	\$ 5,074
(15) FOR THE INDUSTRIAL INSURANCE APPEALS BOARD	
Accident Fund Appropriation.....	\$ 37,168
Medical Aid Fund Appropriation.....	\$ 37,475
(16) FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation.....	\$ 976,901
(17) FOR THE PUGET SOUND PILOTAGE COMMISSION	
Puget Sound Pilotage Account Appropriation.....	\$ 168
(18) FOR THE UTILITIES AND TRANSPORTATION COMMISSION	
Public Service Revolving Fund Appropriation.....	\$ 218,860
(19) FOR THE BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen Relief and Pension Fund Appropriation.....	\$ 1,920
(20) FOR THE STATE PATROL	
Motor Vehicle Fund Appropriation.....	\$ 424,245
(21) FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....	\$ 3,968
(22) FOR THE DEPARTMENT OF CIVIL DEFENSE	
General Fund—Federal Appropriation.....	\$ 20,454
(23) FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund—Federal Appropriation.....	\$ 1,332
Electrical License Account Appropriation.....	\$ 92,469
Industrial Relations Account Appropriation.....	\$ 8,659
Accident Fund Appropriation.....	\$ 162,238
Medical Aid Fund Appropriation.....	\$ 616,462
(24) FOR THE DEPARTMENT OF MOTOR VEHICLES	
Architects License Account Appropriation.....	\$ 2,657
Commercial Automobile Driver Training School Account Appropriation....	\$ 19
Opticians Account Appropriation.....	\$ 58
Optometry Account Appropriation.....	\$ 347
Professional Engineers Account Appropriation.....	\$ 6,244
Real Estate Commission Account Appropriation.....	\$ 31,050
Sanitarian's Licensing Account Appropriation.....	\$ 141
State Board of Psychological Examiners Account Appropriation.....	\$ 149
Highway Safety Fund Appropriation.....	\$ 360,392
Motor Vehicle Fund Appropriation.....	\$ 157,632
(25) FOR THE MILITARY DEPARTMENT	
Armory Fund Appropriation.....	\$ 26,949
(26) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
General Fund—Federal Appropriation.....	\$ 18,501
(27) FOR THE VETERANS' REHABILITATION DIVISION	
General Fund—Federal Appropriation.....	\$ 29,986
(28) FOR THE DIVISION OF PUBLIC ASSISTANCE	
General Fund—Federal Appropriation.....	\$ 3,233,838
(29) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund—Federal Appropriation.....	\$ 48,375
Traffic Safety Account Appropriation.....	\$ 2,763
(30) FOR THE DIVISION OF VOCATIONAL EDUCATION	
General Fund—Federal Appropriation.....	\$ 44,839
(31) FOR THE DIVISION OF VOCATIONAL REHABILITATION	
General Fund—Federal Appropriation.....	\$ 284,862
(32) FOR THE UNIVERSITY OF WASHINGTON	
General Local Fund Appropriation.....	\$ 1,300,372

(33) FOR THE WASHINGTON STATE UNIVERSITY	
General Local Fund Appropriation.....	\$ 25,312
(34) FOR THE EASTERN WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,169
(35) FOR THE CENTRAL WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,788
(36) FOR THE WESTERN WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,594
(37) FOR THE STATE LIBRARY	
General Fund—Federal Appropriation.....	\$ 28,853
General Fund—Local Appropriation.....	\$ 15,253
(38) FOR THE DEPARTMENT OF HIGHWAYS	
Motor Vehicle Fund Appropriation.....	\$ 2,530,393
(39) FOR THE COUNTY ROADS ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....	\$ 4,906
(40) FOR THE DEPARTMENT OF ECOLOGY	
General Fund—Federal Appropriation.....	\$ 21,600
Reclamation Account Appropriation.....	\$ 11,046
Basic Data Fund Appropriation.....	\$ 9,286
(41) FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
Outdoor Recreation Account Appropriation.....	\$ 19,721
(42) FOR THE DEPARTMENT OF FISHERIES	
General Fund—Federal Appropriation.....	\$ 99,344
(43) FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....	\$ 644,339
(44) FOR THE DEPARTMENT OF NATURAL RESOURCES	
Forest Development Account Appropriation.....	\$ 103,802
Resources Management Cost Account Appropriation.....	\$ 447,891
Forest Insect District Fund Appropriation.....	\$ 891
Clarke-McNary Fund Appropriation.....	\$ 44,067
Forest Assessment Fund Appropriation.....	\$ 74,829
Log Patrol Revolving Fund Appropriation.....	\$ 3,410
State Forest Nursery Fund Appropriation.....	\$ 43,178
Slash Clearance Fund Appropriation.....	\$ 566
Forest Access Road Fund Appropriation.....	\$ 41,199
(45) FOR THE DEPARTMENT OF AGRICULTURE	
General Fund—Federal Appropriation.....	\$ 39,525
Commercial Feed Account Appropriation.....	\$ 5,610
Commission Merchants Account Appropriation.....	\$ 4,644
Egg Inspection Account Appropriation.....	\$ 11,400
Feeds and Fertilizer Account Appropriation.....	\$ 414
Agriculture, Mineral and Lime Account Appropriation.....	\$ 7,920
Nursery Inspection Account Appropriation.....	\$ 6,072
Seed Account Appropriation.....	\$ 12,720
Grain and Hay Inspection Fund Appropriation.....	\$ 132,090
Agricultural Local Fund Accounts Appropriation.....	\$ 49,745
Horticultural Districts Fund Appropriation.....	\$ 169,017
(46) FOR THE EMPLOYMENT SECURITY DEPARTMENT	
Unemployment Compensation Administration Fund Appropriation.....	\$ 2,312,538

**NEW SECTION.** Sec. 109. It is the intention of the legislature that the expenditure of funds for out of state travel by state employees in executive branch agencies be held to a minimum level consistent with economy, frugality and effectiveness in state government. No funds from appropriations to executive branch agencies made by this act shall be expended for out of state travel costs or related per diem expense of state employees other than elected state officials in executive branch agencies without the prior written approval of the Director of the Office of Program Planning and Fiscal Management. The Director of the office of Program Planning and Fiscal Management shall grant such approval only on his finding that the proposed travel is consistent with the economic, efficient and effective management of state agencies and programs. For the purposes of this section, "out of state travel" does not include travel between the State of Washington and the contiguous states of Idaho and Oregon.

**NEW SECTION.** Sec. 110. 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. 111. 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."

Strike all of the title and insert the following:

"AN ACT relating to expenditures by state agencies for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; designating effective dates for certain appropriations; and declaring an emergency."

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gissberg, Greive, Jolly, Mardesich, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson.

On motion of Senator Greive, the Senate resolved itself into a Committee of the Whole, Senator Henry in the Chair, for the purpose of considering Engrossed Substitute House Bill No. 151.

#### COMMITTEE OF THE WHOLE

Engrossed Substitute House Bill No. 151 was considered in the Committee of the Whole and reported back to the Senate, Senator Henry presiding, with the recommendation that it do pass as amended.

On motion of Senator Henry, the report of the committee was adopted.

On motion of Senator Greive, the reading had in the Committee of the Whole was considered the second reading of Engrossed Substitute House Bill No. 151.

On motion of Senator Greive, the following amendments to Engrossed Substitute House Bill No. 151 adopted in the Committee of the Whole were adopted by the Senate:

On page 1, section 1, line 14 of the amendment after "named" and before the period insert " PROVIDED, That no moneys appropriated to agencies or departments of the state may be used or spent for any sabbatical leaves for any employee of the state or any subdivisions receiving state appropriations"

On page 3, section 12, line 12 after "Appropriation:" insert "PROVIDED, That expenditures should only be used for the purpose of carrying out his statutory or constitutional duties:"

Senator Holman moved adoption of the following amendment:

On page 43, section 76, line 2, after "Attorney General" strike all the matter down to and including "declines" on line 7

#### POINT OF ORDER

Senator Greive: "Mr. President, I think obviously this particular amendment involves a change in the appropriation or money matters and I think under Rule 65 cannot be made outside the Committee of the Whole."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Greive, the President finds that a suspension of the rules is not required although Senate Rule 65 does require a two-thirds favorable majority to adopt an amendment proposed to the measure, so-called budget measure, when considered out of the Committee of the Whole."

#### PARLIAMENTARY INQUIRY

Senator Elicker: "On Rule 65 as applied to your ruling on two-thirds, it says 'no amendment to the general appropriation bill adding any new item or items thereto not incorporated in the budget shall be adopted except by two-thirds'. My parliamentary inquiry is that Senator Holman's motion is not to add a new item but to strike. I would wonder if the two-thirds would apply to striking as well as to the clear language of addition?"

## REPLY BY THE PRESIDENT

The President: "The President interprets Rule 65 to mean that any amendment that is added to the budget bill would require a two-thirds majority to be adopted in the event it is considered outside the Committee of the Whole."

## POINT OF INQUIRY

Senator Dore: "Would Senator Holman yield to a question? Isn't this the same amendment we rejected in the Committee of the Whole? This concept?"

Senator Holman: "Quite similar."

Senator Dore: "It is identical, isn't it?"

Senator Holman: "It is written differently but it has the same effect."

## POINT OF ORDER

Senator Dore: "Point of order. We have already considered this amendment. Senator Holman did not vote on the prevailing side on the motion to start with and he is not asking to have it reconsidered and therefore I do not think it is proper for him to try to, in effect, negate what he failed on originally."

## RULING BY THE PRESIDENT

The President: "Senator Dore, the President has no records to which to refer and the ruling on your particular point. . . ."

## PARLIAMENTARY INQUIRIES

Senator Dore: "The record is the question and answer on the journal but we are now out of the Committee of the Whole, before the body, I asked Senator Holman a question; he answered it; it is on the record; and therefore, Mr. President, you have that in order to make your ruling."

Senator Greive: "Obviously you do not keep a journal for the Committee of the Whole but what I would like to inquire then, this particular motion and I want to be very clear, then would require a two-thirds vote?"

## REPLY BY THE PRESIDENT

The President: "Senator Greive, in answer to your inquiry, the Senate in its wisdom could elect to suspend the rules and consider such measures outside of the Committee of the Whole which would require a two-thirds vote, in the lack of such motion any amendment to the budget according to Rule 65 would require a two-thirds favorable vote to be adopted."

## RULING BY THE PRESIDENT

The President: "To clarify the situation, the rules provide that a two-thirds vote of the members elected will be required to adopt this amendment."

Senator Holman demanded a roll call and the demand was sustained by Senators Stender, Greive, Atwood, Andersen, Metcalf, Newschwander, Bailey, Ridder and Connor.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Andersen, Atwood, Clarke, Cooney, Day, Dore, Elicker, Gissberg, Guess, Hötman, Huntley, Keefe, Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Walgren, Whetzel—22.

Voting nay: Senators Bailey, Canfield, Connor, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Washington, Wilson, Woodall—27.

Senator Woodall moved adoption of the following amendment by Senators Woodall, Twigg and Matson:

On page 12, section 44, line 30, after "assistance:" insert:  
 "PROVIDED, That an applicant for public assistance shall file, in addition to the standard form required by RCW 74.08.050, an affidavit showing for himself and all dependent members of his household on behalf of whom assistance is being applied for or is being received, the total of net incomes for the twelve month period immediately preceding the date of application. When the total of net incomes shall exceed an amount equal to seven thousand dollars for the applicant or for the applicant and one such dependent, plus six hundred dollars for each additional such dependent not to exceed five, the applicant shall as a condition of receiving public assistance agree in writing to repay to the department of social and health services up to eighty percent of the value in money of public assistance received during the calendar year of application, such repayment to be required only to the extent that net incomes of the applicant and the dependent members of his household on behalf of whom assistance was received total in excess of an amount equal to seven thousand dollars for the applicant or for the applicant and one such dependent plus six hundred dollars for each additional such dependent not to exceed five during the calendar year following the calendar year in which application is made. In the event of failure or refusal to repay, the amounts agreed to be repaid shall be collectible as provided in RCW 74.04.300 through 74.04.306 for recovery of payments improperly received, except that the lien provided for in RCW 74.04.300 shall not be imposed:"

Debate ensued.

Senator Andersen demanded a roll call and the demand was sustained by Senators Stender, Guess, Peterson (Ted), Lewis, Holman, Whetzel, Foley, Canfield and Matson.

#### ROLL CALL

The Secretary called the roll and the amendment by Senators Woodall, Twigg and Matson was not adopted by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodall—20.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—29.

Senator Whetzel moved adoption of the following amendment:

On page 18, section 53, line 3, strike "10,225,544" and insert "11,746,210"

#### POINT OF ORDER

Senator Gissberg: "I now raise the point of order on Rule 65, that bills appropriating money shall be considered in the Committee of the Whole Senate and no change in the amount appropriated shall be made outside the Committee of the Whole.

"Now the amendments that you are heretofore dealing with had to do with language and perhaps were proper but in this instance Senator Whetzel is attempting to change the amount appropriated and the rule is specific. No change in the amount appropriated shall be made outside the Committee of the Whole."

#### MOTION

Senator Whetzel moved that the rules be suspended to consider the amendment.

#### QUESTION OF CONSIDERATION

Senator Mardesich raised the question of consideration on Senator Whetzel's motion to suspend the rules to consider the amendment.

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the points presented, Senator Whetzel did make a motion, Senator Mardesich did immediately raise the question of consideration. The President believes that the question of consideration is in order."

## PARLIAMENTARY INQUIRY

Senator Greive: "Point of parliamentary inquiry, Mr. President, but you cannot, rule 117 and 102 of Reed's—a motion to suspend rules, if you look at rule 21 it is higher and we just could not have that. It would establish a precedent that would dog us for the rest of our days. One is an ordinary motion, the other is an incidental motion."

## REPLY BY THE PRESIDENT

The President: "The President believes the remarks as given by Senator Greive are in order, therefore the motion is in order."

Senator Whetzel demanded a roll call on the motion to suspend the rules to consider the amendment by Senator Whetzel and the demand was sustained by Senators Atwood, Lewis, Scott, Canfield, Peterson (Ted), Matson, Murray, Stender, Newschwander and Clarke.

## ROLL CALL

The Secretary called the roll and the motion by Senator Whetzel to suspend the rules to consider the amendment by Senator Whetzel failed by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel, Woodall—20.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—29.

On motion of Senator Durkan, the rules were suspended, Engrossed Substitute House Bill No. 151, 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 Keefe, Talley and Durkan demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 151, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 151, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Connor, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Wilson—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Washington, Whetzel, Woodall—22.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, 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 Greive, the Senate dispensed with the Call of the Senate.



At 5:20 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, April 15, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-FIFTH DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, April 15, 1971.

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 Gardner. On motion of Senator Keefe, Senator Gardner was excused.

The Color Guard, consisting of Pages Tim Day, Color Bearer, and Mary Martonik, presented the Colors. Reverend Maurice L. Haehlen, pastor of The United Churches of Olympia, offered prayer as follows:

"Almighty God, Thou Eternal Father of us all, let not the beauty of this day nor the blow of good health, nor the apparent luxury of our surroundings deceive us into a false reliance on only our own wit and wisdom. Make us sensitive to all those who have no one to lobby for them. Do Thou join the 'third house' and in their behalf and put on the pressure so that here the greatest good can be done, to the greatest number. Make us all good sports so that we will abide by the hard compromises that must be made so that government can function in our state. We ask Thy blessing this day not only upon the members of this Senate but also forget not those who do the tedious work at typewriters and mimeograph machines behind these scenes without those faithful labors this body could not function. Amen."

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

### REPORTS OF STANDING COMMITTEES

SENATE BILL NO. 286, implementing the professional contracts law for schools  
(reported by Committee on Education):

April 15, 1971.

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

SENATE BILL NO. 706, relating to eminent domain over parks and parklands  
(reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

April 13, 1971.

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

SENATE BILL NO. 883, providing for payment of weed district assessments on highway lands from motor vehicle fund (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

ENGROSSED HOUSE BILL NO. 204, providing for the removal of wood fiber debris from state tidal waters (reported by Committee on Natural Resources, Fisheries and Game): MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted).

Passed to Committee on Rules and Joint Rules for second reading.

April 14, 1971.

ENGROSSED HOUSE BILL NO. 372, revising election laws relating to registration records (reported by Committee on Constitution, Elections and Legislative Processes): MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Dore, Greive, Keefe, Mardesich, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE BILL NO. 466, permitting school districts to engage agents or licensed real estate brokers to negotiate sale of districts real property (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

ENGROSSED HOUSE BILL NO. 479, changing law relating to nonhigh school district and to high school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

ENGROSSED HOUSE BILL NO. 495, providing for the regulation of water well construction (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

ENGROSSED HOUSE BILL NO. 727, providing for livestock identification (reported by Committee on Agriculture and Horticulture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

ENGROSSED HOUSE BILL NO. 1037, excepting children attending state residential schools from the compulsory school attendance (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE JOINT MEMORIAL NO. 7, memorializing Congress to turn Cispus Job Corps Camp over to SPI (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

April 13, 1971.

JOHN A. BIGGS, to the position of Director of the Department of Ecology, appointed by the Governor on July 1, 1970 for the term ending at the Governor's pleasure (reported by the Committee on Natural Resources, Fisheries and Game):

Recommends that said appointment be confirmed.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to the Committee on Rules and Joint Rules.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, April 14, 1971.

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

GENTLEMEN:

I have the honor to advise that on April 14 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 35: Authorizing Eastern Washington State College to grant certain bachelor degrees.

SENATE BILL NO. 156: Providing for the licensing and regulation of snowmobiles.

Sincerely,

CHARLES B. WIGGINS  
Legislative Counsel.

#### MESSAGES FROM THE HOUSE

April 14, 1971.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 144,

ENGROSSED HOUSE BILL NO. 881,

ENGROSSED HOUSE BILL NO. 888,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

April 14, 1971.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 16, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

April 14, 1971.

Mr. President: The House has passed HOUSE JOINT MEMORIAL NO. 21, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

April 14, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 394, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 16.

#### INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 17, by Senators Mardesich, Clarke, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Twigg, Walgren and Whetzel:

Requesting federal legislation exempting certain gas company mergers from the anti-trust laws.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended and additional sponsors were added to Senate Joint Memorial No. 17.

On motion of Senator Mardesich, the rules were suspended, Senate Joint Memorial No. 17 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate 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 Senate Joint Memorial No. 17 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Elicker, Fleming, Foley, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Andersen, Metcalf—2.

Absent or not voting: Senators Day, Dore, Durkan, Francis—4.

Excused: Senator Gardner—1.

SENATE JOINT MEMORIAL NO. 17, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Mardesich, Senate Joint Memorial No. 17 was ordered immediately transmitted to the House.

ENGROSSED HOUSE BILL NO. 144, by Representatives Bledsoe, Bagnariol, Ceccarelli, Eikenberry, Barden, Cunningham and Litchman:

Providing business and occupation tax deduction for certain computer services.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 881, by Representatives Flanagan, Moon, Haussler and Bledsoe:

Providing for the method of assessment of livestock.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 888, by Representatives Morrison, Rosellini, Savage, Johnson and Benitz:

Pertaining to application of business and occupation taxes to nuclear fuel assemblies.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE JOINT MEMORIAL NO. 21, by Representatives Lysen, Douthwaite, Shinpoch, Knowles, Maxie, Williams, McDermott, Kilbury, Ross, Blair, Rabel, Luders, Bauer, Jones and Charnley:

Suggesting a federal program to utilize skilled personnel presently under-utilized by the aerospace industry.

Referred to Committee on Labor and Industrial Insurance.

## MOTIONS

On motion of Senator Bailey, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

On motion of Senator Peterson (Ted), the Senate immediately moved to consider Senate Joint Memorial No. 14 on second reading.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 14, by Senators Peterson (Ted), Scott and Peterson (Lowell):

Urging President of United States to seek to protect anadromous fish.

The memorial was read the second time in full.

On motion of Senator Peterson (Ted), the rules were suspended, Senate Joint Memorial No. 14 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 Senate Joint Memorial No. 14, and the memorial passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Henry, Keefe, Matson—4.

Excused: Senator Gardner—1.

SENATE JOINT MEMORIAL NO. 14, having received the constitutional majority, was declared passed.

#### MOTIONS

On motion of Senator McDougall, Senate Bill No. 635 was ordered placed at the end of the second reading calendar for today.

On motion of Senator Bailey, Senate Bill No. 318 was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

#### SECOND READING

SENATE BILL NO. 690, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

Pertaining to metropolitan municipal corporations.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment:

On page 2, section 1, line 19, after "as" insert "*these functions*" and after "approved" place a period and strike the remainder of that sentence.

#### POINT OF INQUIRY

Senator Canfield: "On the proposed amendment by Senator Mardesich, Senator Greive, to this same bill which authorizes the corporation to perform certain functions, my question is whether or not your amendment conflicts with Senator Mardesich's?"

Senator Greive: "Mr. President and Senator Canfield, I really can see no reason for Senator Mardesich's amendment. That is the thing that is confusing me. I would like to explain to everyone that I think both Senator Ridder and myself have two different amendments up that would permit the people to vote, so that this particular function would not be added to King county or to the metro council of King county without a vote of the people, so we do not have any problem with that.

"At this point, as I see the words, he wants 'as may be approved by resolution of the respective metropolitan councils in the event of such consolidation and the component city

within the largest population shall be the central city of such consolidation, metropolitan municipal corporation and the corporation county with the largest population shall be the central county of such consultant metropolitan corporation.' Now I do not understand for the life of me why that needs to be struck if we adopt one of the amendments that provides for the words."

Senator Canfield: "What I am trying to do is to reconcile your proposed amendment with that of Senator Mardesich and according to your amendment as I read it, I have this question. Does your amendment authorize the body to act as a policy making board only or does it allow them the authority as a policy making board to sell bonds without a vote of the people to finance the transit system?"

Senator Greive: "My particular amendment, if it is submitted to the vote of the people, would permit nothing to be done unless the people authorize it. It has to be an authorized function. Now they already have a number of functions that presently exist. For instance, they have sewer and water and they can do some other things and I would not want to in any way jeopardize that or in any way interfere with the bonds."

Senator Canfield: "Senator, when you authorize a function, would you please tell me, does that authorize them to levy bonds without a vote of the people?"

Senator Greive: "No, we have to have another bill, 691, that is presently residing in the Committee on Ways and Means, that would eventually permit a three-eighths of a cent sales tax, local sales tax, for this function. There is nothing in this bill presently anywhere that would permit bonds to be floated against the people."

Debate ensued.

#### MOTION

At 11:55 a.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SECOND READING

SENATE BILL NO. 690, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

Pertaining to metropolitan municipal corporations.

The Senate resumed consideration of Senate Bill No. 690 and the pending amendment by Senator Mardesich.

#### MOTIONS

On motion of Senator Mardesich, there being no objection, the pending amendment was withdrawn.

Senator Greive rose to move adoption of an amendment.

Debate ensued.

#### POINT OF ORDER

Senator Greive: "I have no objection, if you put any amendment of mine at a different place in the bill and it is proper, I want it to go just whatever way the bill is supposed to go. I am with Senator Ridder. On the other hand, I do not know all the amendments. If mine comes I do not want it put aside either."

Further debate ensued.

#### MOTION

Senator Stender moved that the Senate immediately consider the amendment by Senator Greive.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Dore: "As I understand it under Reed's rules you must put the largest figure first and the most embracive amendment. Under Senator Ridder's amendment, as I understand it, this embraces all the functions, while the one that Senator Greive is offering embraces only transportation so under Reed's rules we would first vote on the Ridder amendment and if that passes there would be no necessity for the Greive amendment.

"I was one of the chief sponsors of the original metro bill and we enabled the people to adopt six functions but the people have only voted in one, the sewerage function to clean up Lake Washington. They have on two other occasions, one recently, Senator Greive, as you know, defeated the expansion of the metro concept. I think that in order to put it again before the people in the proper perspective, they should again have the right to say whether they vote for it or not and not try to sneak it through.

"So my point of order is, and it is merely a parliamentary one, is that the amendment by Senator Ridder embraces all functions. The amendment by Senator Greive embraces only one so if the first one was passed then there would be no necessity to take up the amendment by Senator Greive. On the other hand, if it failed then we could go into the amendment by Senator Greive to get the voting just for metro."

## MOTION

Senator Talley moved that Senate Bill No. 690 be held for the second reading calendar on Monday, April 19, 1971.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Greive: "Mr. President, the two motions are of the same rank. A motion to immediately consider is exactly the same rank as a motion to put over and the motion made first under rule 196 of Reed's governs."

Senator Mardesich: "The motion was to consider immediately an amendment. This motion is superior but it set off to a date certain to hold a bill."

Further debate ensued.

The motion by Senator Talley carried on a rising vote. Senate Bill No. 690 was ordered to hold its place on the second reading calendar on Monday, April 19, 1971.

Debate ensued.

## POINT OF ORDER

Senator Mardesich: "There is no subject matter before the Senate at this time."

## RULING BY THE PRESIDENT

The President: "The Senator's point of order is well taken."

## SECOND READING

SENATE BILL NO. 615, by Senators Day, Cooney and Peterson (Ted):

Establishing freedom of choice for vision health care services.

The bill was read the second time by sections.

Senator Holman moved adoption of the following amendment:

On page 1, section 2, line 24, after "hereof" and before the period insert " PROVIDED, That all such contracts for vision care shall contain a provision clearly explaining the educational, professional, clinical and disciplinary distinctions between an ophthalmologist licensed under chapter 18.71 RCW and an optometrist licensed under chapter 18.53 RCW"

Debate ensued.

The motion lost and the amendment was not adopted.

Senator Holman moved adoption of the following amendment:

On page 2, section 3, lines 6-7-8 on page 2, section 3, on line 6, after "18.71 RCW" and before "but" on line 7 strike "in identical amount and manner," and on page 2, section 3, on line 7 after "said" and before "amount" on line 8 strike "identical"

Debate ensued.

The motion lost and the amendment was not adopted.

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

On page 2, section 3, line 7, after "manner" insert "for similar services"

Senator Holman moved adoption of the following amendment:

On page 2, section 5, line 22, after "2, 3 and 4 thereof" insert a period and strike the remainder of the section.

Debate ensued.

The motion lost on a rising vote and the amendment was not adopted.

On motion of Senator Mardesich, the following amendment was adopted.

On page 2, section 5, line 23, after "for" and before "damages" strike "treble"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 615 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. 615, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 5; excused, 1.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall—40.

Voting nay: Senators McDougall, Metcalf, Whetzel—3.

Absent or not voting: Senators Andersen, Atwood, Dore, Lewis, Twigg—5.

Excused: Senator Gardner—1.

ENGROSSED SENATE BILL NO. 615, having received the 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. 678, by Senator Walgren:

Amending the optional municipal code.

### MOTION

On motion of Senator Walgren, Substitute Senate Bill No. 678 was substituted for Senate Bill No. 678, 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. 678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 678, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Durkan, Lewis, McCutcheon—3.



Excused: Senator Gardner—1.

SUBSTITUTE SENATE BILL NO. 678, having received the 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 HOUSE BILL NO. 660, by Representatives Sawyer, Bagnariol and Pardini:

Exempting credit cards from small loan regulations.

#### REPORT OF STANDING COMMITTEE

April 14, 1971.

ENGROSSED HOUSE BILL NO. 660, exempting credit cards from small loan regulations (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 13 of the printed and engrossed bill, after "loan" and before "credit" strike "or" and insert "of" and on line 14, after "plan" and before "having" insert "including but not restricted to plans"

On page 1 of the printed bill, strike the House Committee Amendment by the Committee on Financial Institutions to page 1, section 1, beginning on line 15, being lines 15 through 22 of the engrossed bill, and reinstate the original material under subsection (a) of section 1 of the printed bill.

On page 1, section 1, beginning on line 15 of the printed bill, after "to" strike "written application therefor and to"

On page 1, section 1, line 15 of the printed bill, after "into" and before "agreements" strike "written"

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Foley, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Walgren, Whetzel.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the committee amendment to page 1, section 1, line 13.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Mardesich yield to a question? Senator, does this mean that the credit cards we have would be exempt from any interest ceiling except under the Usury Act?"

Senator Mardesich: "Right, that would be twelve percent. They would be under the twelve percent act and there is a distinct possibility that you may now, by virtue of the California decision, come under the Small Loan Act to the thirty-six percent level."

Senator Canfield: "Would this bill as amended then put the ceiling at twelve percent on credit cards?"

Senator Mardesich: "Yes, it would have you then falling under the general usury laws, and make the ceiling twelve percent. If I might interject, this is that little consumer protection bill that was on the floor once and we had such a rhubarb about it and all you members sent it back to the Committee on Rules and Joint Rules."

The motion carried and the committee amendment was adopted.

On motion of Senator Mardesich, the remainder of the committee amendments were adopted.

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

On page 1, section 1, line 15 of the printed bill, after "(a)" strike "Credit" and insert "Where credit"

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 660, 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. 660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Connor, Durkan, Lewis, McCutcheon, Newschwander, Talley—6.

Excused: Senator Gardner—1.

ENGROSSED HOUSE BILL NO. 660, 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.

ENGROSSED HOUSE BILL NO. 353, by Representatives Gilleland, Perry and Berentson:

Pertaining to refunds for non-highway use of fuel.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 353 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. 353, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Durkan, Lewis, McCutcheon—3.

Excused: Senator Gardner—1.

ENGROSSED HOUSE BILL NO. 353, having received the 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. 626, by Senators Scott and Gardner (by Office of Program Planning and Fiscal Management request):

Relating to disposition of depositary interest paid to the state.

#### REPORT OF STANDING COMMITTEE

March 25, 1971.

SENATE BILL NO. 626, relating to disposition of depositary interest paid to the state (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 2, after "fund" strike all remaining material and insert "[, and upon the fifteenth day of January of each year, the state treasurer shall divide the deposit interest fund among the various funds from which such deposits are made, in proportion to the respective amounts thereof]."

*NEW SECTION.* Sec. 2. On or before July 20 of 1971, and annually thereafter, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected.

*NEW SECTION.* Sec. 3. Section 43.85.240, chapter 8, Laws of 1965 and RCW 43.85.240 are each repealed.

*NEW SECTION.* Sec. 4. This 1971 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."

In line 3 of the title, after "RCW 43.85.060" and before the period insert "; repealing section 43.85.240, chapter 8, Laws of 1965 and RCW 43.85.240; declaring an emergency; and providing an effective date"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Foley, Guess, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Twigg, Washington, Wilson.

The bill was read the second time by sections.

Senator Scott moved adoption of the committee amendment to page 2, section 1, line 2.

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Scott yield? Will this have the effect of reducing the revenue to the next biennium by the same amount?"

Senator Scott: "Senator Woodall, the funds are currently redistributed or at least the interest from moneys held is distributed in January of each year. This provides for a second distribution in July which is credited back to the previous fiscal biennium. And there is no subtraction as such from the general fund during the succeeding biennium."

Senator Woodall: "My question was, do you reduce the earnings for the next biennium to the extent that you pick it up in this one, is my question."

Senator Scott: "No, you do not, Senator, because these are moneys held on a temporary basis by the treasurer for the various accounts."

The motion carried and the committee amendment was adopted.

On motion of Senator Scott, the committee amendment to the title was adopted.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 626 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. 626, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-45.

Absent or not voting: Senators Connor, Durkan, McCutcheon-3.

Excused: Senator Gardner-1.

ENGROSSED SENATE BILL NO. 626, having received the constitutional 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, Senate Bill No. 186 was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 251, by Representatives Bottiger, Kiskaddon and Kirk:

Providing that a mailed tax notice can serve to give information required on tax payment receipt.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 251 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. 251, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Durkan, Lewis, McCutcheon—3.

Excused: Senator Gardner—1.

ENGROSSED HOUSE BILL NO. 251, having received the 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. 818, by Senators Scott and Francis:

Providing for the mandatory reporting of suspected child abuse.

The bill was read the second time by sections.

On motion of Senator Gissberg, the following amendment was adopted:

On page 2, line 1 following section 1, add two new sections to read as follows:

“Sec. 2. Section 4, chapter 13, Laws of 1965 as amended by section 4, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report [may] *shall* be made by telephone or otherwise to the proper law enforcement agency or the department of [public assistance] *social and health services* and [may] *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.

“NEW SECTION. Sec. 3. There is added to chapter 26.44 RCW a new section to read as follows:

Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a misdemeanor.”

On motion of Senator Scott, the following amendment to the title by Senator Gissberg was adopted:

On page 1, line 1 of the title, following “abuse;” strike all the matter down to and including the period on line 3 and insert: “amending section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as amended by section 4, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.040; adding a new section to chapter 26.44 RCW; and prescribing penalties.”

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 818 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. 818, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Huntley, Lewis, McCutcheon—4.

Excused: Senator Gardner—1.

ENGROSSED SENATE BILL NO. 818, having received the 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 Gissberg, the Senate returned to the sixth order of business.

Senator Gissberg moved that Engrossed Senate Bill No. 227 and the pending House message with amendments be referred to the Judiciary Committee.

Debate ensued.

## POINT OF ORDER

Senator Henry: "I apologize for being off the floor but as I understand the Senate rules, when a bill comes back with an extraneous matter attached to it from the House, it automatically takes the course of a new bill. It must be referred to a committee under our rules."

Further debate ensued.

Senator Holman demanded a roll call and the demand was sustained by Senators Newschwander, Murray, Whetzel, Elicker, Matson, McDougall, Canfield, Stender and Guess.

## ROLL CALL

The Secretary called the roll and the motion by Senator Gissberg to refer Engrossed Senate Bill No. 227 to the Judiciary Committee failed by the following vote: Yeas, 21; nays, 25; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Cooney, Day, Dore, Durkan, Foley, Gissberg, Greive, Guess, Henry, Herr, Keefe, Mardesich, Peterson (Lowell), Stender, Stortini, Talley, Twigg, Walgren, Woodall—21.

Voting nay: Senators Andersen, Canfield, Clarke, Connor, Donohue, Elicker, Fleming, Francis, Holman, Huntley, Jolly, Knoblauch, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Washington, Whetzel, Wilson—25.

Absent or not voting: Senators Lewis, McCutcheon—2.

Excused: Senator Gardner—1.

## MOTION

At 3:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, April 16, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, April 16, 1971.

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 12:15 p.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Gardner and Peterson (Lowell). On motion of Senator Knoblauch, Senators Gardner and Peterson (Lowell) were excused.

The Color Guard, consisting of Pages Gordon Esborg, Color Bearer, and Kathy Traylor, presented the Colors. Reverend Maurice Haehlen, pastor of The United Churches of Olympia, offered prayer as follows:

"Deliver us O Lord from the foolishness of impatience that there is never need for hurry but also from the blindness that would make us think we know that it takes time to grow a tree and that fruit does not ripen in an afternoon. Help us to remember that Thou didst take only a week to make the whole universe. So, dear Father, temper our spirits so that we are able to accept the compromises that must now be made in the interest of getting on with life. Forgive our slowness to see the good in our fellows and their ideas and also our slowness in seeing the evil in ourselves and our ideas. In our difference may we be kind; in our agreements may we be humble; that Thy will may be done in us and through us in our beloved land. Amen."

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

## REPORTS OF STANDING COMMITTEES

April 14, 1971.

SENATE BILL NO. 741, encouraging use of low pollution fuels in motor vehicles (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Francis, Holman, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

SUBSTITUTE HOUSE BILL NO. 247, enacting a "Special Fuel Tax Act" (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis, Murray, Scott, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 14, 1971.

ENGROSSED HOUSE BILL NO. 323, providing for the conservation of salmon resources by limiting the number of commercial salmon licenses (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE BILL NO. 634, relating to the coordinating council for occupational education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

ENGROSSED HOUSE BILL NO. 687, increasing commercial salmon fishing license fees (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE BILL NO. 739, providing for negotiations by community college boards of trustees and their academic employees (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

HOUSE BILL NO. 759, amending reporting and planning periods of urban arterial board (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Guess, Herr, Jolly, Keefe, Knoblauch, Matson, Murray, Waigren.

Passed to Committee on Rules and Joint Rules for second reading.

April 14, 1971.

SUBSTITUTE HOUSE BILL NO. 781, requiring personal commercial fishing licenses (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE BILL NO. 984, providing for study by joint interim committee on higher education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 13, 1971.

HOUSE BILL NO. 1060, providing for trails along the public highways of this state (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Elicker, Herr, Knoblauch, McDougall, Mardesich, Murray, Scott, Stender, Talley, Waigren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 15, 1971.

HOUSE CONCURRENT RESOLUTION NO. 7, providing for study of post-high school education financing (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

April 15, 1971.

MRS. MARGE PETERS, to the position of member of the Board of Trustees of Skagit Valley Community College, appointed by the Governor on April 9, 1971 for the term

ending April 3, 1973, succeeding Dr. J. W. McCann (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

DR. DAVID LUNDBERG, to the position of member of the Board of Trustees of Highline Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

CLARENCE IRWIN, to the position of member of the Board of Trustees of Clark Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

MRS. MARILYNN A. WILSON, to the position of member of the Board of Trustees of Wenatchee Valley Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding herself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

MRS. T. J. BAY, to the position of member of the Board of Trustees of Whatcom Community College, District No. 21, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding herself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

MRS. ALMA GALBREATH, to the position of member of the Board of Trustees of Big Bend Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding herself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

HERBERT C. URIE, to the position of member of the Board of Trustees of Lower Columbia Community College, District No. 13, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

MRS. MARGARET STRACHAN, to the position of member of the Board of Trustees of Olympic Community College, District No. 3, appointed by the Governor on April 9,



1971 for the term ending April 3, 1976, succeeding John Strachan (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

BEN WOOD, JR., to the position of member of the Board of Trustees of Shoreline Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

LAWRENCE WEINSTEIN, to the position of member of the Board of Trustees of Grays Harbor Community College District No. 2, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

JAMES FURMAN, to the position of member of the Western Interstate Commission for Higher Education, appointed by the Governor on June 30, 1970 for the term ending June 9, 1971, succeeding Dr. Charles Odegaard (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

NORMAN H. DAHLSTEDT, to the position of member of the Board of Trustees of Skagit Valley Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

C. J. MITCHELL, to the position of member of the Board of Trustees of Columbia Basin Community College, District No. 19, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding Charles E. Bowers (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

HUGH L. MATHEWS, to the position of member of the Board of Trustees of Green River Community College, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 15, 1971.

TOM BAKER, to the position of member of the Board of Trustees of Walla Walla Community College, District No. 20, appointed by the Governor on April 9, 1971 for the term ending April 3, 1976, succeeding Larry A. Beaulaurier (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

#### REPORT OF CONFERENCE COMMITTEE

April 16, 1971.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 415, providing for the investigation and control of pesticide poisoning, have had the same under consideration, and we recommend that the Senate recede from its amendment to page 2, section 4, line 33 of the printed House Committee amendment, and that the House concur with all other Senate amendments to the printed House Committee amendment.

Signed by: Senators Jolly, Matson and Donohue; Representatives Amen, Van Dyk and Costanti.

#### MOTION

On motion of Senator Jolly, the report of the Conference Committee on Engrossed House Bill No. 415 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 415, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Dore, Durkan, Scott—3.

Excused: Senators Gardner, Peterson (Lowell)—2.

ENGROSSED HOUSE BILL NO. 415, as amended by the 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 GOVERNOR

Office of the Governor, April 14, 1971.

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

GENTLEMEN:

I return herewith without my approval as to one item SENATE BILL NO. 95, entitled: "An Act relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as amended by section 1, chapter 7, Laws of 1969 ex. sess. and RCW 46.37.420; and declaring an emergency."

This bill permits school buses and fire department vehicles to use studded tires between November 1 and April 1 of each year. Since this law will have no substantive effect until next November, I cannot conceive that an emergency exists and have therefore vetoed the emergency clause.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

#### MOTION

On motion of Senator Talley, Senate Bill No. 95 together with the Governor's veto message was ordered transmitted to the Secretary of State.

Office of the Governor, April 14, 1971.

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

GENTLEMEN:

I return herewith, without my approval as to certain items SENATE BILL NO. 410, entitled:

"An Act relating to agriculture."

This bill enacts a comprehensive scheme for the regulation of horticultural plants and the licensing of nursery dealers. A clerical error resulted in the omission of certain words from the definition of "nursery dealer" in subsection 8 of section 1. It was apparently the intent of the draftsman to include within this definition persons who used horticultural plants as an inducement for the sale of another article or product. Because of the omitted language, however, this definition makes no grammatical sense. I have therefore vetoed the phrase from which the intended language was omitted. Because of the inclusion of proper language in the definition of "sell" in subsection 9 of section 1, those persons intended to be covered as nursery dealers in the definition of subsection 8 will be so included and this veto makes no substantive change in the bill as passed by the Legislature.

Section 7, subsection 1, of this bill levies an annual assessment on fruit trees, fruit tree seedlings and fruit tree root stocks sold within this state. The bill as passed by the Legislature contains two references to the manner in which the assessments so collected shall be distributed. These funds should be deposited in the Northwest Nursery Fund as provided for in section 25 of the bill. Section 10 of the bill directs that these same funds shall be deposited in a Northwest Nursery Fund account in the General Fund. No such fund exists, and I have therefore vetoed this inapt reference to such a fund. The monies collected from these fruit tree assessments shall therefore be properly distributed in accordance with the provisions of section 25 of the bill.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

## MOTION

On motion of Senator Greive, Senate Bill No. 410 together with the Governor's veto message was ordered transmitted to the Secretary of State.

Office of the Governor, April 16, 1971.

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

GENTLEMEN:

I have the honor to advise that on April 15, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 182: Authorizing the use of physicians' assistants.

SENATE BILL NO. 196: Creating aid program for paroled, discharged prisoners and felons granted probation.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel  
to the Governor.

## MOTION

At 12:45 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

## MOTIONS

On motion of Senator Atwood, Senator McDougall was excused.

On motion of Senator Mardesich, Senator Durkan was excused.

On motion of Senator Greive, Senator Foley was excused.

On motion of Senator Fleming, Senator Stortini was excused.

On motion of Senator Walgren Senate Bill No. 668 was placed on the second reading calendar immediately following consideration of Senate Bill No. 612.

## MESSAGE FROM THE HOUSE

April 15, 1971.

Mr. President: The House has passed: SENATE BILL NO. 522 with the following amendments:

In line 2 of the title after the semicolon following "system" and before "amending" insert: "amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 and RCW 41.40.010;"

On line 4 of the title after "41.40.410;" insert "amending section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120;"

On page 1, section 1, line 10, after "subdivision" and before "of the state" insert "or association of political subdivisions"

On page 2, section 1, line 31 after "another." insert the following:

*"Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system."*

*Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 182, Laws of 1945, may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system."*

On page 2, after section 1 insert a new section as follows:

"Sec. 2. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision or association of political subdivisions of the state admitted into the retirement system; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. *The term may also include any city of the first class that has its own retirement system.*

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered eight or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance

compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member, and any additional service to the employer if the employer has paid the employer contributions for such service.

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and immediately prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1971, of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(29) "Totally incapacitated for duty" means total inability to perform the duties of a

member's employment or office or any other work for which the member is qualified by training or experience."

Renumber the remaining section consecutively.

On page 2 add a new section as follows:

"Sec. 3. Section 13, chapter 274, Laws of 1947, as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions;  
 (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee and employer contributions therefor;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190;

(5) Patient and inmate help in state charitable, penal and correctional institutions;  
 (6) "Members" of a state veterans' home or state soldiers' home;  
 (7) Persons employed by an institution of higher learning or community college operated by an employer, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;  
 (8) Employees of an institution of higher learning or community college operated by an employer during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) *Persons employed by or appointed or elected as an official of a first class city: PROVIDED, That if a member is elected to an office in such city, the member shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. Any city that becomes an employer under the provisions of this 1971 amendatory act shall not be required to have all employees covered for retirement under the provisions of this chapter.*"

Renumber the remaining section consecutively, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

Senator Fleming moved that the Senate do not concur in the House amendments to Senate Bill No. 522, and that the House be asked to recede therefrom.

Debate ensued.

The motion carried.

The Secretary commenced reading a Message from the House.

#### MESSAGE FROM THE HOUSE

April 14, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 227 with the following amendments:

On page 1, section 1, line 1 of the title after "care" and before the period, strike the remaining material

In line 2 of the title after "hospitals" and before the period insert "; creating a new section; and adding a new section to chapter 46.61 RCW"

On page 1, section 1, line 9 after "person" insert "reasonably"

On page 1, section 1, line 11 after "faith" insert "and without knowledge of facts negating consent"

On page 1, after section 1, add a new section as follows:

"NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

No physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory employing or utilizing the services of a physician, registered nurse or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when requested in writing by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20.308(2): PROVIDED, That the blood was withdrawn according to recognized medical procedures: PROVIDED FURTHER, That the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood sample."

On page 1, line 13 after the period, add a new section to read as follows:

"NEW SECTION. Sec. 2. Any person who in good faith renders emergency medical care, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from his acts or omissions, except for such damages as may result from his gross negligence or wanton or wilful misconduct or omissions.", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

Senator Holman moved that the Senate do now consider the House message on Engrossed Senate Bill No. 227.

#### POINT OF ORDER

Senator Woodall: "My point of order is, your honor, that this particular bill left the Senate and has had added to it two measures . . ."

#### POINT OF ORDER

Senator Holman: "My point of order is that the message has not yet been read in so how does Senator Woodall know what is on it?"

Senator Woodall: "My answer to that, Senator Holman, would be I have two very good eyes, it was argued and discussed at our Republican caucus this morning and you yourself . . . yesterday . . ."

Senator Holman: "I believe the message should be read in and then I believe you should recognize Senator Woodall on his point of order."

The Secretary completed reading the Message from the House.

#### POINT OF ORDER

Senator Woodall: "After a moment's delay, we will now continue with the point of order. My point is that this measure left the Senate, contained one bill. There has been added to it by the House two other bills which were pending in the Senate Judiciary Committee. Under the rules that we have, once this measure has had added to it two existing measures which are pending before the body, it must then take the course of a bill. Although yesterday Senator Gissberg made a motion, I think it more properly the point of order should have been raised and in view of the fact that two pending bills have been added to it, under our rules it must take the course of a bill and should go to the Judiciary Committee."

Senator Holman: "Mr. President, when this bill was before us yesterday the point of

order was raised. It was raised by Senator Henry. I am reading from the journal of the Senate, with the consent of the Senate. 'After Senator Gissberg had made his motion, debate ensued. Point of Order—Senator Henry: "I apologize for being off the floor but as I understand the Senate Rules when a bill comes back with an extraneous matter attached to it from the House it automatically takes the course of a new bill. It must be referred to a committee under our rules" 'Further debate ensued. Senator Holman demanded a roll call on Senator Gissberg's motion and then the roll call.'

"Now the point of order was made, was not sustained. Senator Gissberg's motion in effect raised the issue identically raised by Senator Henry yesterday and by Senator Woodall right now. Debate on the matter, and this body, by a vote of twenty-five to twenty-one by roll call vote, voted not to send it back to committee. And it is submitted therefor, Mr. President, that the point of order is entirely academic. The bill is before us now. It is certainly germane. It has to do with civil liability for emergency care and treatment and I think it is entirely proper that the Senate debate it.

"This bill has two concepts added to it by the House of Representatives one of which, the first part, is a bill which appeared in the Senate Judiciary Committee and was passed out by that committee with an amendment. The House has put that bill, with the Senate Judiciary Committee amendment, so it is identical with the way we passed it out, in the first part of this bill. This has to do with the withdrawal of blood. The other part, to which Senator Woodall objects, is the Good Samaritan law, the first opportunity I think ever for this Senate representing the people of the state of Washington to pass on that measure, because it never could get out of the Senate Judiciary Committee as we all know. You check the list of those who voted to recommit, you will find that seventeen attorneys in the body, eleven of them voted to recommit. . . ."

#### POINT OF ORDER

Senator Woodall: "He is not speaking to the point of order. The point of order is whether or not two bills have been hung on, not whether they are good bills, bad bills, lawyer bills or doctor bills."

Senator Holman: "Very well, Senator Woodall, I speak to the point of order directly. I do not think there is any point of order to be made that two bills or one bill or any number of bills have been hung on. The question is whether it changed the scope and object. I maintain it does. We had one here the other day, it was 298, to which Senator Day attached 296. Nobody made a point of order about that. What I am saying is this simply is a move to keep the Senate from voting on this vitally important social issue, the Good Samaritan law."

Senator Gissberg: "Speaking to the point of order now raised by Senator Holman, I understand that, to keep the issues separated, that his point of order is that the point of order raised by Senator Woodall has in effect been decided yesterday by the presiding officer. As authority for that proposition, Senator Holman read the journal. But the presiding officer yesterday, I would respectfully call to the President's attention, did not decide nor rule upon the point of order that was raised by Senator Henry at that time. Having not ruled upon the point of order, of course it can now properly be raised. The fact that the Senate voted as it did yesterday would have no bearing upon the point of order and that is properly before the President at this time. It would be my opinion that the point of order raised by Senator Holman is not a valid point of order. Now then, once the President has ruled upon the point of order raised by Senator Holman, then I would like to speak on the point of order raised by Senator Woodall."

#### RULING BY THE PRESIDENT

The President: "Senator Gissberg and gentlemen of the Senate, the President would be the last person in the world to doubt the accuracy of the Senate Journal but the President recalls that Senator Henry mentioned that any bill that left the Senate and went to the House, came back with extraneous material it would be referred to the proper committee. But such is really not the case until the point of order is raised as to whether or not the extraneous material changed the scope and object of the measure. That has not been done and the President, in his recollection of today's proceedings, does not believe that anyone has necessarily and directly raised the point as to whether or not the House amendments changes the scope and object of the measure.

"Senator Woodall, who is, the President considers, one of the finest parliamentarians ever to serve in the Senate, has also made reference to the fact that a bill returned to the Senate with extraneous material would be referred to the proper committee but this is not so until the point of order relating to the scope and object has been decided."

#### POINT OF ORDER

Senator Gissberg: "Mr. President, I now raise the point of order that Senate Bill No. 227, as amended by the House, violates Rule 62 of the Senate standing rules in that it changes the scope and object of the bill.

"Now speaking upon the point of order, I think that it is most germane in matters of this type in examining whether in fact a House amendment does indeed change the scope



and object of the bill. I think one of the first clues that the presiding officer should look to is whether or not the title itself to the measure has been amended. The title of this bill as it left the Senate said 'An act relating to the provision of emergency medical care and limiting the liability of licensed physicians or hospitals'.

"Now section 1 of the bill then, of the Senate, spoke solely and as a matter of fact the Senate Judiciary Committee amended the original Senate bill by limiting this exclusion from liability to a physician or a hospital. Based solely upon failure to obtain consent and so on. Now the House then, desiring to enlarge the scope and object of this bill, necessarily had to change the title and the House did that by adding the two sections which are the subject of this debate and further, to implement that desire of theirs, struck from the title, 'and limiting the liability of licensed physicians or hospitals'.

"The second amendment put on by the House is in no respect limited to physicians or hospitals. It applies to any individual. The bill as it left here applied only to physicians and hospitals; now we have a greatly enlarged bill which does change the scope and object of the bill."

#### REMARKS BY SENATOR HOLMAN

Senator Holman: "Speaking to Senator Gissberg's point of order directly, I would like to say first that I think his argument first of all should be, the same argument could well be appropriate to a vote on the question of concurrence or not. And secondly, it is more properly addressed to the body across the street, the Supreme Court. I imagine it will be in due time if this bill is passed in its present form. But the question that the Chair has to decide is whether it is so clearly beyond the scope and object of the original bill that we have to recommit it to a committee under our rules and under the Constitution. I say that it is by no means clear, that clear. I think the Supreme Court itself, in my opinion which is only my opinion, would hold it to be within the scope and object of a bill which has to do with the removal of certain civil liabilities that now exist under our common law. And what we are doing here is to remove civil liability under this House amendment, the Good Samaritan law, from not only physicians but anybody else who happens to be on the scene.

"As I reminded Senator Gissberg this morning, the original Good Samaritan was not a licensed physician by any manner or means. He may be thinking of St. Luke or somebody like that but that was not the Good Samaritan.

"So I believe, Mr. President, it would not be appropriate if I may respectfully say so, for the Chair to make a ruling on a matter of this kind which is really a matter of law and allow this to be debated fully, on concurrence or non-concurrence and then if it is necessary, let the lawyers handle it over in the Supreme Court."

#### REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President and members of the Senate, speaking on the point of order, as I understand, the point of order as now raised is not with respect to whether the bill should or should not go back to the Judiciary Committee but it is as to whether the amendments offered change the scope and object of the bill contrary to our rule and the Constitution.

"In this connection, I would respectfully suggest to the President that the question should be divided. In that respect I call attention to this first amendment as suggested by the House relates specifically to physicians and hospitals and simply changes the bill as we passed it originally exempting physicians and hospitals from liability as to infants who were not in a position to give their consent. The first amendment as proposed by the House simply extends that similar exemption from liability, not only as to infants but as to persons who are unconscious and who are—as to which the physician or hospital is requested by a law officer to draw blood. Now this relates very definitely and very closely to the concept of the original bill, so that I submit that at least as to that portion of the amendment, the point of order as to scope and object does not properly apply and I would move for that reason that the matter be divided."

#### POINT OF ORDER

Senator Woodall: "You cannot stand and make a speech on a point of order and then make a motion while you are still standing."

#### RULING BY THE PRESIDENT

The President: "Senator Woodall's point is well taken."

#### REMARKS BY SENATOR WOODALL

Senator Woodall: "Addressing myself to the remarks of Senator Clarke, the rule is that if the scope and object have been changed it takes the course of a bill which means it goes to the Judiciary Committee. So it is one and the same thing.

"Yesterday the simple procedure would have been to have followed the motion of the Judiciary Committee chairman. We would not now be raising the point. The point of order as raised by Senator Gissberg is indeed valid because a bill starts out for one purpose. In the case of an infant, a doctor, or a nurse can go ahead and perform certain types of assistance. The House has added to it two bills. One bill says that if a law enforcement man comes in and tells someone, 'I want you to take blood out of this man' the man does it. That is a brand new bill and certainly is a different concept than the one in the book. That brings in the law enforcement, gets them in the medical business.

"The second one does get into this matter of all kinds of people rendering alleged aid and what their respective liabilities are under certain conditions. Now clearly to put in the so-called Good Samaritan and whether he be St. Francis or St. Luke makes no difference. The point of it is that it does bring into the bill matters entirely additional to the limited bill to begin with which applied solely to what registered nurses and doctors could do and clearly new matter has been added and under the rules you have no choice but to send it to the regular committee."

#### MOTION

Senator Clarke moved that the question on the point of order be divided with respect to the two specific amendments.

#### POINT OF ORDER

Senator Woodall: "The Chair is going to rule whether there has been any addition or not and if there has been any, then of course it has to go to the committee so I think the particular motion is out of order."

#### PARLIAMENTARY INQUIRY

Senator Canfield: "Mr. President, may a layman make an inquiry? As I read the original bill it uses the word 'hospital' and the amendatory section enlarges that to include registered nurses, qualified technicians and the like. Now I just wonder if a hospital really, if you want to get down to technicalities and points of order, isn't a hospital just a building? A hospital by itself means nothing. It is nothing of any service. If a hospital means anything it means what goes with the hospital, the nurses, the technicians, the equipment, the facilities, the availability of physicians and the like. It seems to me that under that kind of an interpretation, Mr. President, there would not be any conflict in the original bill or in the amended and therefore no necessity for this point of order being raised as to two bills being in one act, or three bills as the case may be. Senator Gissberg, I qualified my remarks by saying that I am just a layman, just a curbstone lawyer who has no conflict of interest in this bill."

#### REMARKS BY SENATOR HOLMAN

Senator Holman: "May I respectfully make the suggestion that you not sustain the point of order and then on the concurrence I will move that we concur separately or non-concur separately so that it will take care of the point of order raised by Senator Gissberg."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Clarke finds that a point of order cannot be divided."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as presented by Senator Gissberg finds that Senate Bill No. 227 is a measure dealing solely with the responsibility of physicians and hospitals for services rendered without consent under limited circumstances. The amendments attached by the House of Representatives pertain to the limited liability of nurses and technicians for taking blood from an individual at the request of a law enforcement officer. Also the House amendments add a new section which is in effect the Good Samaritan Act which relieves any individual from liability under some circumstances.

"The amendments, therefore, do increase the scope and object of the bill and, pursuant to Rule 62, the President is obliged by the Senate Rules to assign the bill to the proper committee to take its course as a new measure. Therefore, the President assigns Engrossed Senate Bill No. 227 to the Senate Committee on Judiciary."

## APPEAL FROM RULING BY THE PRESIDENT

Senator Elicker appealed the decision of the Chair on the point of order as presented by Senator Gissberg.

Senators Greive, Ridder and Holman 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 Senators Durkan, Foley, Gardner, McDougall, Peterson (Lowell) and Stortini, who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

President Pro Tempore Henry presiding.

## PARLIAMENTARY INQUIRY

Senator Holman: "Is a roll call necessary to be demanded on an appeal from the ruling of the Chair?"

President Pro Tempore Henry: "Yes, Senator, I think it is."

Senator Holman demanded a roll call and the demand was sustained by Senators Woodall, Talley, Stender, Scott, Wilson, Metcalf, Lewis, Newschwander and Knoblauch.

Debate ensued.

## POINT OF INQUIRY

Senator Metcalf: "Would Senator Elicker yield to a question? Senator, I would like to know what the other motion would be if this motion were withdrawn."

Senator Elicker: "I would move not to appeal the ruling of the Chair but to suspend the rules and immediately consider the bill under discussion."

## MOTION

There being no objection, on motion of Senator Elicker the appeal from the decision of the Chair was withdrawn.

## MOTION

Senator Elicker moved that the rules be suspended and the Senate immediately consider Engrossed Senate Bill No. 227.

Debate ensued.

## POINT OF ORDER

Senator Atwood: "Point of order. I think the motion should be that the Judiciary Committee be relieved of the bill. That is where it is now; it is not before us."

Senator Metcalf demanded a roll call and the demand was sustained by Senators Murray, Stender, Washington, Whetzel, Scott, Greive, Holman, Knoblauch and Odegaard.

Senator Holman demanded the previous question.

## PARLIAMENTARY INQUIRY

Senator Whetzel: "Would you tell us the motion that we are voting on and whether it takes a majority or a two-thirds vote?"

## REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The question as presented by Senator Elicker is that the rules be suspended and that the Judiciary Committee be relieved of further consideration of Engrossed Senate Bill No. 227."

## PARLIAMENTARY INQUIRY

Senator Elicker: "I think, at least as I understood Senator Atwood, we are only relieving the Judiciary Committee of the bill and this does not require a suspension of the rules and a majority vote."

Senator Woodall: "The rule clearly says it shall go to this committee and take the course of a bill. Now when you jerk it out of there you are suspending the rules. Your motion was to suspend the rules, hence it takes two-thirds."

Senator Washington: "I think to keep the records straight so that we do not establish a precedent that we have to have a two-thirds vote to discharge the committee, this is taking the path of a bill. It has already been referred to the committee which is the ordinary course. It is now in the committee. We always have the right to remove a bill from the committee by a majority vote. It is in the committee; we do not want it in the committee; those who do not want it there may vote by majority vote to take it out of the committee in the ordinary course of a bill."

## REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Senator Washington, I did not make a ruling on whether it required a two-thirds majority or not. I said, if you listened carefully, that Senator Elicker had made a motion that the rules be suspended. Rule 46 says it can be taken away by a simple majority."

## PARLIAMENTARY INQUIRIES

Senator Woodall: "There was another facet to his motion and that was that it immediately be placed on today's calendar, which takes it past the Committee on Rules and Joint Rules and past the ordinary procedure. Now if you have the combination of the two, I submit it does require a suspension."

Senator Elicker: "I do not think it was my intention to move the second part. I think this was stated by the Chair and I would say that my motion is just to relieve the committee of further consideration of Engrossed Senate Bill No. 227."

## INQUIRY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Is it your intention then that the bill go to the Committee on Rules and Joint Rules?"

## REPLY BY SENATOR ELICKER

Senator Elicker: "My intention is that it be before the body."

## REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "When a bill comes out of committee, Senator, it goes to the Committee on Rules and Joint Rules."

## REPLY BY SENATOR ELICKER

Senator Elicker: "It would be perfectly proper with me, sir. I think another motion would then lie."

## REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Unless perhaps you were not recognized."

## REPLY BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I submit that the motion was made. We all heard it. The motion was to suspend and also the previous question had been demanded and accepted by the President. The only business in order now is a vote."

## REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Senator Mardesich, I was asked for a clarification and that is exactly what I am trying to do."

“The President believes that the motion should be that the Senate Committee on Judiciary be relieved of Engrossed Senate Bill No. 227, that it be placed on today’s calendar by a majority vote.”

### PARLIAMENTARY INQUIRY

Senator Gissberg: “Are you saying that that is the motion that is now before the Senate?”

### REPLY BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: “I said that is what it should be.”

### MOTION

Senator Gissberg moved that the motion by Senator Elicker to relieve the Judiciary Committee of consideration of Engrossed Senate Bill No. 227 be laid upon the table.

Senator Gissberg demanded a roll call and the demand was sustained by Senators Scott, Murray, Fleming, Elicker, Ridder, Connor, Knoblauch, Atwood and Stender.

President Cherberg resumed the Chair.

### ROLL CALL

The Secretary called the roll and the motion by Senator Elicker was laid upon the table by the following vote: Yeas, 26; nays, 17; excused, 6.

Voting yea: Senators Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Odegaard, Peterson (Ted), Stender, Twigg, Walgren, Wilson, Woodall—26.

Voting nay: Senators Andersen, Canfield, Clarke, Elicker, Fleming, Francis, Holman, Huntley, Metcalf, Murray, Newschwander, Ridder, Sandison, Scott, Talley, Washington, Whetzel—17.

Excused: Senators Durkan, Foley, Gardner, McDougall, Peterson (Lowell), Stortini—6.

The Judiciary Committee was not relieved from further consideration of Engrossed Senate Bill No. 227.

### MOTION

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

### MESSAGES FROM THE HOUSE

April 15, 1971.  
Mr. President: The House has passed HOUSE JOINT MEMORIAL NO. 22, and the same is here transmitted. MALCOLM McBEATH, Chief Clerk.

April 15, 1971.  
Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 152, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 15, 1971.  
Mr. President: The Speaker has signed SENATE JOINT MEMORIAL NO. 16, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 15, 1971.  
Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 86 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Francis, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 86 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. 86 and the Senate amendments thereto: Senators Francis, Odegaard and Newschwander.

## MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 16, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 151 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Greive, the request of the House for a conference on Engrossed Substitute House Bill No. 151 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 151 and the amendments thereto: Senators Durkan, Atwood and Dore.

## MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 922, by Senators Greive, Woodall and Washington:

An Act relating to state government; creating a joint committee on governmental cooperation; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 923, by Senator Scott:

An Act relating to revenue and taxation; imposing a state net income tax; removing certain food and medicine from sales tax; eliminating property taxes upon business inventories; limiting special levies; amending section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.050; amending section 84.52.052, chapter 15, Laws of 1961, as last amended by section 1, chapter 113, Laws of 1965 ex. sess. and RCW 84.52.052; creating new sections; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; and prescribing effective dates.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE JOINT RESOLUTION NO. 39, by Senator Scott:

Permitting income tax with certain restrictions.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE CONCURRENT RESOLUTION NO. 28, by Senators Greive, Woodall and Washington:

Creating a joint committee on governmental cooperation.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 152, by Committee on Appropriations:  
Enacting the capital budget.  
Referred to Committee on Ways and Means—Appropriations.

HOUSE JOINT MEMORIAL NO. 22, by Representatives Mentor, Hansey, Costanti, Benitz, Paris, Schumaker, Hatfield, Brown, Polk, Hubbard, Smith, Wanamaker, Spanton, Beck, Haussler, Charette, Johnson, Kuehne, Wolf, Cunningham, Farr, Kirk, Flanagan, Bledsoe, Morrison, Chatalas, Jueling, Lynch, Berentson, Hoggins, O'Brien, May, Conner, Rosellini, Randall, Charnley, Bauer, Bozarth, Ceccarelli, Martinis, Shippech and Wojahn:  
Requesting Congress to reconsider the SST project.  
Referred to Committee on Commerce and Regulatory Agencies.

#### MOTION

Having given prior notice, on motion of Senator Whetzel consideration of change of Senate Rule 58 will be considered on Monday, April 19, 1971.

#### SECOND READING

SENATE BILL NO. 755, by Senators Woodall, Sandison, Ridder and Scott (by Attorney General request):  
Enacting the "Franchise Investment Protection Act."  
The bill was read the second time by sections.  
On motion of Senator Woodall, the following amendments were adopted:  
On page 10, section 10, line 8, after "such" strike "short a" and insert "shorter"  
On page 19, section 24, line 3, after "for" strike "buying" and insert "filing"

#### MOTION

On motion of Senator Gissberg, Senate Bill No. 755 was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

SENATE BILL NO. 24, by Senator Guess:  
Mandating certain examination of instructional materials used in the common schools.

#### REPORT OF STANDING COMMITTEE

April 12, 1971.

SENATE BILL NO. 24, mandating certain examination of instructional materials used in the common schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 9 after "schools, upon" strike "either his oral or" and insert "his"

On page 1, section 1, line 12, after "visual, used" strike "or to be used"

On page 1, section 1, line 13, after "enrolled" and before the period insert "except tests in advance of being taken"

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Newschwander, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections.

Senator Guess moved adoption of the committee amendments.

On motion of Senator Guess, the following amendment by Senators Guess and Ridder to the committee amendment was adopted:

Amend the Committee Amendment to page 1, section 1, line 13, on line 2 of the amendment after "except" insert "academic"

The committee amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 24 was advanced to othird reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### MOTION

On motion of Senator Atwood, Senator Murray was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 24, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Newschwander, Odegard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Foley, Gardner, McDougall, Matson, Murray, Peterson (Lowell), Stortini—8.

ENGROSSED SENATE 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.

SENATE BILL NO. 612, by Senators Henry, Lewis, Twigg and Connor:  
Removing the prohibition against the sale of intoxicating liquors on election days.

### REPORT OF STANDING COMMITTEE

March 26, 1971.

SENATE BILL NO. 612, removing the prohibition against the sale of intoxicating liquors on election days (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 16 add a new section to read as follows:

“NEW SECTION. Sec. 2. It shall be unlawful for a candidate for office or for nomination thereto whose name appears upon the ballot at any election to give to or purchase for another person, not a member of his or her family, any liquor in or upon any premises licensed by the state for the sale of any such liquor by the drink during the hours that the polls are open on the day of such election.”

Renumber remaining section.

On page 1, line 2 of the title following “RCW 29.18.120;” insert “adding a new section to chapter 29.18 RCW;”

Signed by: Senators Wilson, Vice Chairman; Cooney, Donohue, Greive, Holman, Keefe, Mardesich, Washington, Woodall.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendments.

Senator Metcalf moved adoption of the following amendment to the committee amendment:

On line 3 of section 2 of the committee amendment, after “election” and before “to give” insert: “, his campaign manager, precinct workers, next-door neighbors, wife or other relative or any known friend of any such candidate.”

Debate ensued.

The motion lost and the amendment was not adopted.

Senator Metcalf moved adoption of the following amendment to the committee amendment:

On line 5 of section 2 of the committee amendment, after “upon” and before “any” insert: “any campaign headquarters or”

Debate ensued.

On motion of Senator Lewis, the amendment to the committee amendment by Senator Metcalf was laid upon the table.

The motion by Senator Wilson carried and the committee amendments were adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Senate Bill No. 612 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. 612, and the bill passed the Senate by the following vote: Yeas, 30; nays, 8; absent or not voting, 3; excused, 8.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Keefe, Knoblauch, Lewis, Mardesich, Newschwander, Odegaard, Sandison, Scott, Talley, Twigg, Walgren, Wilson, Woodall—30.

Voting nay: Senators Canfield, Jolly, Metcalf, Peterson (Ted), Ridder, Stender, Washington, Whetzel—8.

Absent or not voting: Senators Day, Huntley, McCutcheon—3.

Excused: Senators Durkan, Foley, Gardner, McDougall, Matson, Murray, Peterson (Lowell), Stortini—8.

ENGROSSED SENATE BILL NO. 612, having received the 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. 668, by Senator Mardesich:

Creating a joint committee on banking, insurance and transportation.

#### REPORT OF STANDING COMMITTEE

March 24, 1971.

SENATE BILL NO. 668, creating a joint committee on banking, insurance and transportation (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 6, strike "banking, insurance, and transportation" and insert "commerce and regulatory agencies"

On page 1, section 2, line 9, strike "banking, insurance, and transportation" and insert "commerce and regulatory agencies"

On page 1, section 3, line 11, strike "five" and insert "six" and on line 12, strike "five" and insert "six"

On page 1, section 3, line 14, after "PROVIDED," insert "That there shall be no more than three senators or three representatives appointed from any one political party; and, PROVIDED FURTHER,"

On page 1, section 3, line 19, strike "five" and insert "six"

On page 1, section 3, line 23, strike "five" and insert "six"

On page 3, section 11, line 16, after "insurance," insert "commerce, and regulatory agencies"

On page 3, section 11, line 17, strike "and transportation"

On line 2 of the title, strike "banking, insurance, and transportation" and insert "commerce and regulatory agencies"

Signed by: Senators Walgren, Chairman; Atwood, Day, Gardner, Jolly, Newschwander.

The bill was read the second time by sections.

Senator Mardesich moved that the committee amendments to page 1, sections 1 and 2 not be adopted.

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Mardesich yield? As I understand it, I notice the words 'regulatory agencies' occurs three times. Are you taking out all three of these?"

Senator Mardesich: "Yes, but the first one, Senator Woodall, relates to the title. I am asking that the second and third amendments be not adopted."

#### POINT OF INQUIRY

Senator Bailey: "Mr. President, will Senator Mardesich yield? Senator, this probably comes in another amendment but what do you intend to do about transportation?"

Senator Mardesich: "Strike that later."

Senator Bailey: "That will be taken out so it has no conflict with the joint committee on highways?"

Senator Mardesich: "Right."

The motion by Senator Mardesich carried and the committee amendments to page 1, sections 1 and 2 were not adopted.

On motion of Senator Mardesich, the committee amendments to page 1, section 3, lines 11, 14, 19 and 23 were adopted. The committee amendment to page 3, section 11, line 16 was adopted.

On motion of Senator Mardesich, the committee amendment to page 3, section 11, line 17 was not adopted.

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

On page 1, section 1, line 6, strike "transportation" and insert "utility regulation"

Senator Mardesich moved adoption of the following amendment:

On page 1, section 2, line 9, strike "transportation" and insert "utility regulation"

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Mardesich yield? Senator, do I understand that you are writing into the statute that you will be investigating the various state utilities as a function of this committee?"

Senator Mardesich: "No, it is utility regulation."

Senator Woodall: "You will be examining what, under this?"

Senator Mardesich: "For instance, Mr. President, we are at this time in the committee engaged in a study relating to the question of the rate structure in the Bellevue-Seattle area. We did prepare a bill and submit it and the department has agreed that the bill gets to the matter but they are not sure that it goes as far as it should. I do not know that we have received the letters yet but they have agreed to sending us a letter requesting that we delay action and continue this particular problem as a study the next session. That is the type of thing to which we are referring, Senator Woodall."

Senator Woodall: "One further question. Then we will have by statute a permanent committee then that will be kind of a complaint department against the utilities?"

Senator Mardesich: "No, it is those matters that are suggested for changes in the approaches made by utility regulation such as this, the rate structure. There has been a complaint up there that the whole rate structure system should be changed and we did begin a study of that and as I say, come up with a bill.

"It is a very complicated area and the department has asked that we continue it, the industry has asked that we continue it. Everyone recognizes that there is a problem and I think that they may solve the problem as a result of the prodding that we are giving them eventually but nevertheless that is the type of thing to which this refers."

Senator Woodall: "Then you mean that after our present public utilities commission holds their hearings and decides what the rates are, then this committee will check up to see if they came out with the right answer?"

Senator Mardesich: "No, the question would be rather, should we adopt some new method of rate regulation, rather than that currently in existence. This is rather the type of material which we would be getting into. Not whether the rate is adequate or inadequate, that is the utility department question but rather whether some other structure should be used and that is the type of thing that we are thinking of here."

Senator Woodall: "Would that then envision going in to the financial operations of utilities to find out if they are earning the proper rates or what?"

Senator Mardesich: "No, it does not. For instance in Seattle right now there is a real problem with respect to the rate structure as it pertains to the hauling out of Bellevue and going east into the eastern part of the state. Under the regulations as they are set up today, the shipper out of Bellevue has the problem of having to ship into Seattle before he gets going out to eastern Washington, out of the central area. So they are all complaining and wondering what can be done about it.

"The committee studied the matter and we suggested that we adopt a new procedure that we establish a larger trade area, a zone from which all shipping rates going east would be the same. That was the solution we came up with for that particular problem. We are not concerned with whether the rate as applied to any particular company is adequate or inadequate. That is up to the utilities department. But problems such as that, can we come up with new thoughts as this one was, we should expand and name something a trade area, set particular boundaries which would in this case include Bellevue, and then provide that rates out of that particular area would be one and the same for all goods going east."

Senator Woodall: "Does not the public service commission do that now?"

Senator Mardesich: "They haven't until we started prodding them. Now they are reacting to this and they have set up a study themselves and come up with a new rating structure in response to this bill.

"Now we are still not certain that they will solve the problem with this new rate structure they have come up with but nevertheless they have asked us to continue the study and they think it is a good idea that perhaps we establish this larger trade area and use that as the operating unit from which rates would be determined going east or west from that area.

"That type of thing rather than getting into any particular setting of rates, certainly,

which this committee nor for that matter any committee should be interested in as long as we have a utilities commission."

Senator Woodall: "The matter of tariff rates is now handled by the public utilities commission?"

Senator Mardesich: "That is right."

Senator Woodall: "And you post with them and you describe the route and the territory and the mileage and you post your tariff rates, correct?"

Senator Mardesich: "Right."

Senator Woodall: "Now then, what does this committee do to the tariff rates?"

Senator Mardesich: "We did nothing to the tariff rates. We heard testimony on this particular subject. It is obvious that there is a problem and so we tried to come up with a new idea and the idea was that we should apply, rather from Seattle to east being the rate, which would set all traffic going east to west, or west to east, rather than having the Bellevue people have to ship down to Seattle and pick up that extra charge, having to ship into town and then ship back out, we approached that question and addressed ourself to it and came up with a new thought that perhaps we should establish some trade areas and have the utilities department then consider whether or not trade areas could be established and the commission would then set rates from a trade area rather than from particular towns like Kent, Seattle, Bellevue. That is the type of thing that we had envisioned."

Senator Woodall: "One final question and I shall cease. Cannot that be accomplished by the interim committee approach rather than putting it permanently in the statute books?"

Senator Mardesich: "The problem we got into here is that I had no objection to the naming Commerce and Regulatory Agencies which I felt covers all but Senator Greive felt that this would be infringing on his sub-committee in the legislative council and so to avoid that conflict we are trying to be more specific here with respect to what this committee can do and also to yet hold the door open with this type of language so that we can continue the type of study we are doing. But it is not intended to in any way affect rates or try to change rates in any particular area."

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Mardesich yield? Senator, I thought that over the years we have been trying to tie these committees into a kind of unified group under the general direction of the legislative council and this bill would create a new standing permanent committee with twelve members and a staff. I do not see any appropriation in the bill but probably would call for, I would say at least a hundred thousand dollars or maybe two hundred thousand dollars per biennium. I am just wondering if that is the direction we ought to go to create a number of unrelated committees rather than tie them into the legislative council or standing committees."

Senator Mardesich: "Mr. President, if I might, Senator Canfield, you are referring, rather than to the particular amendment which I am seeking to adopt, to the philosophical question as to what committee or interim committee structure we should have."

Senator Canfield: "Yes, I am perhaps a little off base but I thought that Senator Woodall was directing his remarks in the same line and I thought maybe this was an appropriate time to raise the question."

Senator Mardesich: "Then that is as I say an entirely different question and you settle that one, I guess, when you get to the final passage. We can discuss that portion of it then."

The motion carried and the amendment was adopted.

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

On page 1, section 3, line 11, strike "five" and insert "six" and on line 12, strike "five" and insert "six"

On page 1, section 3, line 13, after "legislature" insert "or any extraordinary session thereof"

On page 1, section 3, line 14, after "PROVIDED," insert "That there shall be no more than three senators or three representatives appointed from any one political party: AND PROVIDED FURTHER,"

On page 1, section 3, line 19, strike "five" and insert "six"

On page 1, section 3, line 23, strike "five" and insert "six"

On page 3, section 11, after "insurance" on line 16, insert "commerce and regulatory agencies"

On page 3, section 11, line 117, strike "and transportation"

On page 3, section 11, line 19 after "regulations" insert a period and strike all the matter down to and including "industries" on line 20.

On page 3, section 11, line 19, after "regulations" and before the period insert ": PROVIDED, HOWEVER, That the authority herein granted pertaining to area of study shall not be exclusive and imply no prohibition against study of matters relating to commerce and regulatory agencies by other legislative interim committees"

Senator Dore moved adoption of the following amendment:

On page 4, section 15, strike section 15 and renumber the following sections.

Debate ensued.

## MOTION

On motion of Senator Mardesich, Senate Bill No. 668 and the pending amendment by Senator Dore was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

SENATE BILL NO. 338, by Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request):

Establishing a board on geographic names.

The bill was read the second time by sections.

On motion of Senator Day, the following amendment was adopted:

On page 3, section 8, line 29, after "publication" strike "attempt to"

On motion of Senator Whetzel, the following amendment was adopted:

On page 3, section 8, beginning on line 28, strike all of section 8.

## POINT OF INQUIRY

Senator Canfield: "Will Senator Sandison yield to a question? Senator, on page 1, when it uses this word 'representative' several times, is that the same as 'designee' in your opinion? Usually in most of these bills it says 'or his designee' and this just says 'representative'. I am just wondering if they mean the same thing."

Senator Sandison: "Yes, that question was asked and evidently the terms are interchangeable in departmentalese jargon."

Senator Canfield: "I just wanted to be sure that somebody did not come in and say, 'I represent the department' when he has not been designated to represent the department."

Senator Sandison: "According to the department, this is a departmental request, or the joint committee on governmental cooperation, they felt these terms were interchangeable."

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 338 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. 338, and the bill passed the Senate by the following vote: Yeas, 36; nays, 2; absent or not voting, 3; excused, 8.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Francis, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Odegaard, Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—36.

Voting nay: Senators Newschwander, Wilson—2.

Absent or not voting: Senators Holman, McCutcheon, Peterson (Ted)—3.

Excused: Senators Durkan, Foley, Gardner, McDougall, Matson, Murray, Peterson (Lowell), Stortini—8.

ENGROSSED SENATE 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.

SENATE BILL NO. 382, by Senators Greive, Talley, Twigg, Mardesich and Clarke:  
Amending regulation of real estate brokers and salesmen.

## REPORT OF STANDING COMMITTEE

April 14, 1971.

SENATE BILL NO. 382, amending regulation of real estate brokers and salesmen (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 2 after the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 78, Laws of 1969 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests *including leases and/or options* therein, and for business opportunities or interest therein, belonging to others, or sale of any interest in any formal or informal association in which the purchaser acquires use of real property unless the offering is registered with the securities division of the state of Washington, or holds himself out to the public as being so engaged: *PROVIDED, HOWEVER, That nothing herein contained shall be construed as affecting the right of a resident of the state of Washington who is admitted to practice before the highest court of any state to act as a broker in this state;*

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a [designated] broker and whose license states that he is associated with a [designated] broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

(9) "*Clock hours of instruction*" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours. The director, with the approval of the real estate commission, may certify courses of instruction other than in the aforementioned institutions if a finding of necessity to provide the required education is made by the director and commission. Such approval shall be only for the period of time determined to be necessary.

Sec. 2, Section 5, part, chapter 252, Laws of 1941 as last amended by section 2, chapter 222, Laws of 1951 and RCW 18.85.030 are each amended to read as follows:

The director shall appoint [at least two inspectors] *an adequate staff* to assist him. [No person shall be appointed as an inspector who has not been actively engaged in the real estate business in this state either as a broker or salesman.

The director may employ and discharge such clerks and employees as may be necessary, and fix the compensation of inspectors, clerks and employees.]

Sec. 3, Section 4, chapter 252, Laws of 1941 as last amended by section 2, chapter 235, Laws of 1953 and RCW 18.85.040 are each amended to read as follows:

The director, with the advice and approval of the commission, may issue rules and regulations to govern the activities of real estate brokers, associate real estate brokers and salesmen, consistent with this chapter, [shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salesmen,] fix the times and places for holding examinations of applicants for licenses and prescribe the method of conducting them [, hold such examinations,]. *The director shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salesmen; grant or deny licenses to real estate brokers, associate real estate brokers, and salesmen, hold hearings and suspend or revoke the license of violators [found guilty of] and may deny, suspend or revoke the authority of a broker to act as the designated broker of persons who commit violations of the real estate license law or of the rules and regulations [set up and proclaimed by the commission].* The director [also] shall institute a program of education for the benefit of the licensees [hereunder including at least one statewide educational conference each year].

Sec. 4, Section 5, part, chapter 252, Laws of 1941 as last amended by section 3, chapter 235, Laws of 1953 and RCW 18.85.050 are each amended to read as follows:

Neither the director nor any [inspectors, clerks, or] employees, shall be interested in any real estate business [in any capacity] *regulated by this 1971 amendatory act: PROVIDED, That if any real estate broker, associate real estate broker, or salesman is employed by the director or by the commission as an [inspector, clerk, or] employee, the license of such broker, associate real estate broker, or salesman shall not be revoked, suspended, or canceled by reason thereof.*

Sec. 5, Section 8, chapter 252, Laws of 1941 and RCW 18.85.060 are each amended to read as follows:

The director shall adopt a seal with the words real estate director, state of Washington, and such other device as he may approve engraved thereon, by which he shall authenticate

the proceedings of his office. Copies of all records and papers in the office of the director certified to be a true copy under the hand and seal of the director shall be received in evidence in all cases equally and with like effect as the originals. *The director may deputize one or more of his assistants to certify records and papers.*

Sec. 6, Section 17, chapter 235, Laws of 1953 and RCW 18.85.071 are each amended to read as follows:

There is established the real estate commission of the state of Washington, consisting of the director of the commission and six board members who shall act in an advisory capacity to the director.

The six board members shall be appointed by the governor in the following manner: For a term of six years each, with the exception of the first appointees, who shall be appointed one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years, with all other subsequent appointees to be appointed for a six year term. [Three] At least two of the board members shall be selected from the area in the state west of the Cascade mountain range and [three] at least two shall be selected from that area of the state east of the Cascade mountain range. No commission member shall be appointed who has had less than five years experience in the sale, operation, or management of real estate in this state, or has had at least three years experience in investigative work of a similar nature, preferably in connection with the administration of the real estate license law of this state or elsewhere. Any vacancies on the commission shall be filled by appointment by the governor for the unexpired term.

Sec. 7, Section 18, chapter 235, Laws of 1953 and RCW 18.85.085 are each amended to read as follows:

The commission shall have authority to hold educational conference for the benefit of the industry, and shall conduct examinations of applicants for licenses under this chapter. It shall be charged with the preparation of such examinations and shall administer them at stated periods, with not less than [three examinations per year in each of the following six areas of the state per year: Northwest Washington, southwest Washington, northeast Washington, southeast Washington, north central Washington and south central Washington] *three brokers' examinations and ten salesmen's examinations per year.*

NEW SECTION. Sec. 8. There is added to chapter 252, Laws of 1941 and chapter 18.85 RCW a new section to read as follows:

It is hereby established that the minimum requirements for an individual to receive a salesman's license is that the individual must have obtained his eighteenth birthday. No licensed salesman shall have his license renewed a second time unless he furnishes proof, as the director may require, that he has successfully completed thirty clock hours of instruction in real estate.

Nothing in this section of this 1971 amendatory act shall apply to persons who are licensed as salesmen under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

Sec. 9, Section 15, chapter 252, Laws of 1941 as last amended by section 5, chapter 235, Laws of 1953 and RCW 18.85.090 are each amended to read as follows:

The commission shall prepare the examination [questions] to be submitted to applicants, and shall make and file with the director a list, *which may be signed by [all] a majority of the members of the commission conducting the examination, of all applicants who successfully passed the examination [and of those who failed], together with all examination questions and the written answers thereto.*

Any applicant who fails to pass the examination may apply again [ : PROVIDED, That].

No applicant shall be permitted to take the examination for a real estate broker's license without first satisfying the director that he [has had]:

(1) *Has had a minimum of [one] two years of actual experience as a full time real estate salesman in this state or in another state having comparable requirements within the five years previous to applying for said examination or is, in the opinion of the director, otherwise and similarly qualified, or is otherwise qualified, or is otherwise qualified by reason of practical experience in a business allied with or related to real estate;*

(2) *Is eighteen years of age or older;*

(3) *Has completed successfully ninety clock hours of instruction in real estate.*

*The requirements of subsections (1) through (3) of this section of this 1971 amendatory act shall not apply to persons who are licensed as brokers under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked: PROVIDED, That requirements for brokers created by this 1971 amendatory act shall apply to any person who is licensed as a salesman on or before the effective date of this 1971 amendatory act, if such person shall apply to become a broker or associate broker after this 1971 amendatory act is in effect.*

Sec. 10, Section 8, chapter 222, Laws of 1951 and RCW 18.85.100 are each amended to read as follows:

It shall be unlawful for any person to act as a real estate broker, associate real estate broker, or real estate salesman without first obtaining a license therefor, and otherwise complying with the provisions of this chapter.

No suit or action shall be brought for the collection of compensation as a real estate broker, associate real estate broker, or real estate salesman, without alleging and proving that the plaintiff was a duly licensed real estate broker, associate real estate broker, or real

estate salesman [at the time the alleged cause of action arose] prior to the time of offering to perform any such act or service or procuring any promise or contract for the payment of compensation for any such contemplated act or service.

Sec. 11. Section 3, chapter 252, Laws of 1941 as amended by section 9, chapter 222, Laws of 1951 and RCW 18.85.110 are each amended to read as follows:

This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or who, as the owner of property, and/or a business opportunity, in any way disposes of the same; nor, (2) any duly authorized attorney in fact, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust [; nor, (4) any escrow agent].

Sec. 12. Section 11, chapter 222, Laws of 1951 and RCW 18.85.130 are each amended to read as follows:

The director shall provide each original applicant for a license with a manual containing a sample list of questions and answers pertaining to real estate law and the operation of the business and may provide the same at cost to any licensee or to other members of the public. The director shall ascertain by written examination, that each applicant, and in case of a corporation, or copartnership, that each officer, agent, or member thereof whom it proposes to act as licensee, has:

(1) Appropriate knowledge of the English language, including reading, writing, spelling, and arithmetic;

(2) An understanding of the principles of real estate conveyancing, the general purposes and legal effect of deeds, mortgages, land contracts of sale, exchanges, rental and option agreements, and leases;

(3) An understanding of the principles of land economics and appraisals;

(4) An understanding of the obligations between principal and agent;

(5) An understanding of the principles of real estate practice and the canons of business ethics pertaining thereto; and,

(6) An understanding of the provisions of this chapter.

The examination for real estate brokers shall be more exacting than that for real estate salesmen.

All moneys received for the sale of the manual to licensees and members of the public shall be placed in the real estate commission fund to be returned to the current biennium operating budget.

Sec. 13. Section 12, chapter 222, Laws of 1951 as amended by section 7, chapter 235, Laws of 1953 and RCW 18.85.140 are each amended to read as follows:

Before receiving his license every real estate broker must pay a license fee of twenty-five dollars, every associate real estate broker must pay a license fee of twenty-five dollars, and every real estate salesman must pay a license fee of fifteen dollars. Every license issued under the provisions of this chapter expires on the thirty-first day of December of the year of its issue. On or before the first day of January thereafter an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before January 1st, the renewal license fee shall be thirty-five dollars for a real estate broker and associate real estate broker and twenty dollars for a real estate salesman. Acceptance by the director of an application for renewal after January 1st shall not be a waiver of the delinquency.

*This section shall expire on January 1, 1972.*

**NEW SECTION.** Sec. 14. There is added to chapter 252, Laws of 1941 and to chapter 18.85 RCW a new section to read as follows:

There is established a staggered renewal period to coincide with the birthdate of each licensee. A new license or renewal issued on January 1, 1972 shall be for the term of one year plus the additional calendar months up to and including the month in which the birthdate of the licensee occurs. On January 1, 1972, all licensees shall pay:

(1) The annual fee; and

(2) A sum for the additional months up to and including the month in which the birthdate of the licensee occurs. Such sum shall be at the rate of one dollar and twenty-five cents for each month for salesmen and two dollars and ten cents for each month for associate brokers and brokers.

A new license or renewal issued after January 1, 1972, shall be for the term of the months up to and including the birthdate of the licensee. These licensees shall pay the annual fee for such license.

Corporations, partnerships and associations shall have established as the equivalent of a birthdate, that date upon which the license was first issued.

If the application for a renewal license is not received by the director on or before the birthdate of said licensee, the renewal license fee shall be thirty-five dollars for a real estate broker and associate real estate broker and twenty dollars for a real estate salesman. Acceptance by the director of an application for renewal after the birthdate of said licensee shall not be a waiver of the delinquency.

The director shall issue to each broker, associate broker, and salesman a license and a pocket identification card in such form and size as he shall prescribe.

*This section shall take effect January 1, 1972.*

Sec. 15. Section 13, chapter 222, Laws of 1951 as amended by section 8, chapter 235, Laws of 1953 and RCW 18.85.150 are each amended to read as follows:

The director may issue a temporary salesman's permit pending examination, to any applicant who, in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with full responsibility for such temporary salesman to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licenses are available which in no event shall be longer than six months. The director, however, shall not require any such applicant, to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.

*The holder of a temporary permit is required to obtain thirty hours of instruction in real estate within seventy days after his temporary permit is issued. Such instruction may be furnished by his broker or personnel in the office he is licensed to, any prelicense school, community college or other institution providing education. The employing broker and such temporary permit holder shall certify the completion of such instruction within five days thereafter upon forms provided by the director: PROVIDED, That failure to make such certification or falsification thereof shall be ground for disciplinary action under this 1971 amendatory act.*

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased broker, the senior qualified salesman in that office or other qualified representative of the deceased, which shall be valid for a period of not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

**NEW SECTION.** Sec. 16. There is added to chapter 252, Laws of 1941 and to chapter 18.85 RCW a new section to read as follows:

Responsibility for any salesman, associate broker or branch manager in conduct covered by this 1971 amendatory act shall rest with the employing broker.

In addition to the broker, a branch manager shall bear responsibility for salesmen and associate brokers operating under the branch manager at a branch office.

Sec. 17. Section 21, chapter 222, Laws of 1951 as amended by section 9, chapter 235, Laws of 1953 and RCW 18.85.161 are each amended to read as follows:

A nonresident broker may apply for and be issued a nonresident broker's license upon compliance with all of the provisions of this chapter. He shall not be required to maintain a definite place of business within this state, but shall retain in this state all funds arising from transactions within this state, until such funds are distributed to the proper parties involved, and he shall be subject to the requirements of this chapter relating to the handling and depositing of closing funds.

Any privileges accorded herein to a nonresident shall apply only to a licensed real estate broker of [one years'] *two years'* experience or more and only so long as the broker shall (1) maintain an active place of business within the state of his domicile, and (2) maintain his license in good standing in the state of his domicile: PROVIDED, That such nonresident is domiciled in a state which extends similar recognition and courtesies to licensed real estate brokers of this state. When any broker moves into this state from a state having similar reciprocal laws and desires a license, and if such broker has maintained a license in his home state in good standing prior to his moving into this state, he shall, in the discretion of the director, not be required to take the state examination for a license.

The director may waive the requirement of examination of any applicant for a license in the case of an application from a nonresident who is licensed in a state having similar requirements, under the laws of which, similar recognition and courtesies are extended to licensees of this state by mutual written agreement of the directors and commissions of the concerned states.

Salesmen employed by a nonresident broker who has been issued a nonresident broker's license may operate for such broker in this state upon payment of the license fee required of salesmen during such time as they continue licensed under the nonresident broker in this state and if such salesman maintains a license in good standing under his broker in his home state.

Sec. 18. Section 10, chapter 252, Laws of 1941 as last amended by section 14, chapter 222, Laws of 1951 and RCW 18.85.170 are each amended to read as follows:

No license issued under the provisions of this chapter shall authorize any person other than the person to whom it is issued to do any act by virtue thereof nor to operate in any other manner than under his own name except:

(1) When a license is issued to a corporation it shall entitle one officer thereof, to be named by the corporation in its application, who shall qualify the same as any other agent, to act as a real estate broker on behalf of said corporation, without the payment of additional fees;



(2) When a license is issued to a copartnership it shall entitle one member thereof to be named in the application, who shall qualify to act as a real estate broker on behalf of the copartnership, without the payment of additional license fees;

(3) A licensed broker, associate broker, or salesman may operate and/or advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so;

(4) A broker may establish one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the office, if any, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the real estate firm on which either the name of the main or branch offices appears.

Sec. 19. Section 42, chapter 52, Laws of 1957 and RCW 18.85.190 are each amended to read as follows:

A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of five dollars for each branch office. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have [at least one licensed broker] a branch manager who shall be an associate broker authorized by the designated broker to perform the duties [of a broker as herein described] of a branch manager.

A real estate broker shall apply for a branch office license where he conducts real estate business five or more days a week. A branch office license shall not be required where real estate sales activity is conducted on and, limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract.

Sec. 20. Section 43, chapter 52, Laws of 1957 and RCW 18.85.200 are each amended to read as follows:

Notice in writing shall be given to the director of any change by a real estate broker, associate broker, or salesman of his business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and the payment of a fee of [one] five dollars, the director shall issue a new license or duplicate license, as the case may be, covering the new location.

Sec. 21. Section 27, chapter 252, Laws of 1941, as last amended by section 10, chapter 235, Laws of 1953 and RCW 18.85.210 are each amended to read as follows:

The director [shall] may publish annually a list of names and addresses of brokers and salesmen licensed under the provisions hereof, together with a copy of this chapter [not later than August 15th,] and such information relative to the enforcement of the provisions hereof as he may deem of interest to the public; and he [shall] may mail one copy thereof to each licensed broker. [The director may, if it seems advisable, recommend standard forms for use by real estate brokers and include them in the manual or directory.]

Sec. 22. Section 19, chapter 252, Laws of 1941 as last amended by section 3, chapter 22, Laws of 1967 and RCW 18.85.230 are each amended to read as follows:

The director, may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) [A crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings] Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon [to his damage or injury], if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully [relying] relies upon the word, representation or conduct of the licensee [acts to his injury or damage];

(6) Accepting the services of, or continuing in a representative capacity, any salesman

who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust of on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any local, state or national real estate association;

(18) [Discriminating against any person or persons because of race, creed, color or national origin while acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman: PROVIDED, That prior to taking any action to suspend, revoke or deny the license of any broker or salesman upon grounds specified in this subsection, the director shall issue an order to any such broker or salesman to cease and desist in such act or practice of discrimination and upon receipt of an assurance in writing of discontinuance thereof shall take no further action to suspend, revoke or deny the license of such broker or salesman unless within six months thereafter such broker or salesman engages in a further act or practice of discrimination. Such assurance of discontinuance shall not be considered an admission of a violation for any purpose.]

*Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;*

(19) *Failing to keep an escrow or trustee account of funds deposited with him relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his representatives, on demand, or upon written notice given to the bank;*

(20) *Failing to preserve for three years following its consummation records relating to any real estate transaction;*

(21) *Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;*

(22) *Acceptance by a salesman, associate broker or branch manager of a commission or any valuable consideration for the performance of any acts specified in this 1971 amendatory act, from any person, except the licensed real estate broker with whom he is licensed;*

(23) *To direct any transaction involving his principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his principal;*

(24) *Failing to disclose to an owner his intention or true position if he directly or indirectly through third party, purchases for himself or acquires or intends to acquire any interest in, or any option to purchase, property;*

(25) *In the case of a broker licensee, failing to exercise adequate supervision over the activities of his licensed associate brokers and salesmen within the scope of this 1971 amendatory act;*

(26) *Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency.*

Sec. 23. Section 25, chapter 222, Laws of 1951 and RCW 18.85.271 are each amended to read as follows:

If the director shall decide, after such hearing, that the evidence supports the

accusation by a preponderance of evidence, he may revoke the license in question or withhold renewal of any such license or suspend any such license. In such event he shall enter an order to that effect and shall file the same in his office and immediately mail a copy thereof to the affected party at the address of record with the department. Such order shall not be operative for a period of ten days from the date thereof. [If the licensee or applicant shall feel aggrieved by the decision of the director revoking or withholding the license, he may appeal to the superior court in the county in which he has his principal place of business by giving notice of such appeal to the director, and giving a] *Any licensee or applicant aggrieved by a final decision by the director in a contested case whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the Administrative Procedure Act, chapter 34.04 RCW. Upon instituting appeal in the superior court, the appellant shall give a cash bond to the state of Washington, which bond shall be filed with the clerk of the court [of said county], in the sum of five hundred dollars to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, such bond and notice to be filed within [ten] thirty days from the date of the director's decision.*

Sec. 24. Section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18.85.290 are each amended to read as follows:

[The superior court to which the appeal is taken shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.]

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

[An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court shall be limited to a review of the proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state.] *An aggrieved party may secure review of a final judgment of the superior court under this 1971 amendatory act by appeal therefrom. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.*

NEW SECTION. Sec. 25. There is added to chapter 18.85 RCW a new section to read as follows:

The provisions of this 1971 amendatory act are to be severable and if any section, subdivision, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portion of the act."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Foley, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

The bill was read the second time by sections.

Senator Greive moved adoption of the committee amendment.

Debate ensued.

Senator Talley moved adoption of the following amendment to the committee amendment:

On page 1, section 1, line 19, after "engaged" strike the balance of the paragraph.

Debate ensued.

#### POINT OF INQUIRY

Senator Greive: "Senator, are you saying then that a lawyer should not be able to sell real estate?"

Senator Talley: "No, I am not but I say he should have a broker's license."

Further debate ensued.

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 382 and the pending amendment by Senator Talley to the committee amendment was ordered to hold its place on the second reading calendar for Monday, April 19, 1971.

At 4:10 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, April 19, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## THIRTY-NINTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, April 19, 1971.

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 Gardner, Huntley, Keefe and Peterson (Lowell). On motion of Senator Knoblauch, Senators Gardner and Keefe were excused. On motion of Senator McDougall, Senator Huntley was excused. On motion of Senator Donohue, Senator Peterson (Lowell) was excused.

The Color Guard, consisting of Pages Andrea Hastings, Color Bearer, and Dave Bowman, presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered prayer as follows:

"Eternal God, we come to Thee just now because we realize that there is no better way to begin the work of another week than by re-dedicating our lives to Thee, resolving to trust Thee and to obey Thee, and to do our very best to serve Thee by serving our fellow men. In these days that call for understanding, for mercy, for knowledge beyond our own, may we have Thy Spirit that we may work to bring to pass Thy will on earth, for Thou art our God, and we have no hope apart from Thee. Hear our prayers then for Thy mercy's sake. Amen."

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

## REPORTS OF STANDING COMMITTEES

April 19, 1971.

SENATE BILL NO. 52, providing changes relating to solid waste and providing for solid waste collection districts (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Twigg, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

March 26, 1971.

SENATE BILL NO. 397, providing for licensing of plumbers (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: That Substitute Senate Bill No. 397 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Day, Dore, Fleming, Foley, Gissberg, Knoblauch, Peterson (Lowell), Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

ENGROSSED HOUSE BILL NO. 427, reducing minimum vote needed for write-in nomination as party candidate (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Donohue, Greive, Holman, Keefe, Metcalf, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

HOUSE BILL NO. 437, providing for designation of fiscal agencies by counties, cities, towns, and port or school districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Herr, Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

HOUSE BILL NO. 765, providing for dates for county budget hearings (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, Herr, Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

LETTERS OF INFORMATION

April 15, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

SENATE CONCURRENT RESOLUTION NO. 26: Agricultural Tax Reform Committee.

HOUSE JOINT RESOLUTION NO. 52: Amending the Constitutional Debt Limitation.

HOUSE BILL NO. 803: State debt incurrence control.

HOUSE BILL NO. 817: Providing for issuance of general obligation bonds for indebtedness of Washington state building authority.

HOUSE BILL NO. 860: Exempting hops in transit from property taxes.

SUBSTITUTE HOUSE BILL NO. 69: Providing for the taxation of mobile homes.

Sincerely,  
SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

April 16, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bill has been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

SENATE BILL NO. 849: Timber, forest lands, taxation.

Sincerely,  
SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

April 16, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bill has been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

HOUSE BILL NO. 82: Removing the tax exemption on steam plants owned and operated by joint operating agencies and requiring existing facilities to negotiate amounts due.

Sincerely,  
SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

MESSAGES FROM THE HOUSE

April 16, 1971.

Mr. President: The House has passed HOUSE BILL NO. 5, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 16, 1971.

Mr. President: The House has passed:  
 SENATE JOINT MEMORIAL NO. 17,  
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 2,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 16, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 251,  
 HOUSE BILL NO. 353,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 16, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 660, and has passed the bill as amended by the Senate.  
 MALCOLM McBEATH, Chief Clerk.

April 16, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 151 and the Senate amendments thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Goldsworthy, Kopet, Brouillet.

MALCOLM McBEATH, Chief Clerk.

April 16, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 86 and the Senate amendments thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Zimmerman, Brown, Haussler.

MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 924, by Senators Holman and Durkan:

An Act relating to revenue and taxation; enacting the Tax Reform Act of 1971; amending section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.050; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 31, chapter 262, Laws of 1969 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 32, chapter 262, Laws of 1969 ex. sess. and RCW 82.12.020; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 113, Laws of 1965 ex. sess. and RCW 84.52.052; amending section 84.52.056, chapter 15, Laws of 1961 and RCW 84.52.056; amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030; amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040; amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080; adding new sections to chapter 15, Laws of 1961 and to chapter 82.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.41 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 84.48 RCW; adding new sections to chapter 15, Laws of 1961 and to Title 84 RCW; creating new sections; repealing section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, Laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010; repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129; providing for a general election for ratification and implementation of certain of the foregoing provisions; prescribing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE JOINT RESOLUTION NO. 40, by Senators Holman and Durkan:

Revising the tax structure of the state.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 5, by Representatives Moon, Merrill, Adams, Bagnariol, Kilbury, Martiniş, Van Dyk and Wojahn:

Including fiscal impact of tax exemptions, deductions, exclusions and credits in budget document.

Referred to Committee on Ways and Means—Revenue and Taxation.

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

#### SENATE RESOLUTION: 1971-EX-47

By Senators Day, Talley and Peterson (Ted):

WHEREAS, State services to the blind are supervised by the department of social and health services; and

WHEREAS, The overall organizational structure of services to the blind is important to the Legislature in the exercise of its responsibilities; and

WHEREAS, The Legislature requires information as to how programs and policies affecting the blind are developed and determined within the department; and

WHEREAS, The Legislature desires to examine the delivery of services to the blind; and

WHEREAS, The Legislature desires to evaluate the overall effectiveness of all services to the blind;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Public Health Committee of the Legislative Council in conjunction with the Institutions Committee of the Council is requested to make a comprehensive study of the department of social and health services with regard to the entire program of services to the blind including but not limited to organizational structure, program and policy formulation, delivery of services, and the overall effectiveness thereof; and

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the extraordinary session of the Legislature in January, 1972 for its consideration.

#### MOTION

The Senate resumed consideration of the following proposed Senate rule change by Senator Whetzel:

#### AMENDMENT TO CHANGE SENATE RULES

On page 291 of the 1971 Legislative Manual add a new paragraph to Rule 58 as follows:

"A member or members of the House of Representatives may join in sponsoring a senate bill, resolution, or memorial endorsed by a senator as the principal sponsor."

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Whetzel yield? As I take it, the House would have to get the consent of the prime sponsor? They could not just add them on to us without our knowledge or our consent?"

Senator Whetzel: "That is correct. This does not change our rule that only permits three sponsors. To get more than three sponsors would still require a suspension of the rules and this amendment has provided that the prime sponsor must be a Senator."

Senator Woodall: "But what I am asking you, suppose I send a bill over with only my name on. Can two House members jump on the bill and add two names without getting my consent?"

Senator Whetzel: "I think in getting Senators or Representatives to sponsor a bill, that is something that the prime sponsor controls and if you were so unwise as to leave a bill in the custody or possession of someone else over in the House without any instructions as to what would happen, I think you have to assume the responsibility for who signs on it and how many. Most people, when they sponsor bills, are pretty careful as to who they get on as sponsors and try to limit it to the people that they think will be most interested in the bill."

Senator Woodall: "What I am asking you, just the other day there was a bill that Senator Mardesich was the sole sponsor. Now under your proposed rule, could two House members on motion over on the House side add their names after the bill passed and went over there?"

Senator Whetzel: "No."

The motion by Senator Whetzel failed and the amendment to the Senate Rules was not adopted.

## MOTION

On motion of Senator Woodall, the amendment to the Senate Rules by Senator Whetzel was referred to the legislative council.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE JOINT MEMORIAL NO. 17,  
 SENATE CONCURRENT RESOLUTION NO. 2,  
 HOUSE BILL NO. 251,  
 HOUSE BILL NO. 353.

## MOTIONS

On motion of Senator Bailey, Senate Bill No. 781 was ordered to hold its place on the second reading calendar for Wednesday, April 21, 1971.

On motion of Senator Andersen, Senator Holman was excused.

On motion of Senator Greive, Senate Bill No. 318 was ordered to hold its place on the second reading calendar for Tuesday, April 20, 1971.

At 12:45 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator Knoblauch, Senator Durkan was excused.  
 Senators Greive, Day and Whetzel 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 Senators Durkan, Gardner, Huntley and Peterson (Lowell), who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## SECOND READING

SENATE BILL NO. 690, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

Pertaining to metropolitan municipal corporations.

The Senate resumed consideration of Senate Bill No. 690 on second reading.

Senator Greive moved adoption of the following amendment and asked that the amendment by Senator Ridder on the Secretary's desk be read.

"On page 1, section 1, line 19, insert as section 1 the following:

**NEW SECTION.** Section 1. Notwithstanding any other provision of chapter 35.58 RCW a metropolitan municipal corporation may perform the function of metropolitan public transportation only if the performance of such function is authorized by election. The metropolitan council may call such election and certify the ballot proposition. The election shall be conducted and canvassed as provided in RCW 35.58.090 and the municipality shall be authorized to perform the function of metropolitan public transportation if a majority of the persons voting on the proposition shall vote in favor."

Remember the following sections consecutively.

Debate ensued.



## POINT OF INQUIRY

Senator Guess: "Would Senator Greive yield? Senator, in section 2, which would be stricken by the Ridder amendment, at the bottom of the page beginning at line 33, it has a proviso. It says 'The Metropolitan Council may at any time by resolution determine on the function of the transit.' Then it says, 'PROVIDED, That the resolution by the Metropolitan Transit Transportation function with an appointed commission pursuant to the RCW, shall not become effective until approved by the voters residing within the boundaries of the metropolitan municipal corporation.'

"Now actually does not that say the same thing that your amendment says, section 1, line 1, 'Notwithstanding any other provisions of the chapter, the municipal corporation may perform the function of metropolitan public transportation only if authorized by an election.' Now is there a conflict of the two sections there?"

Senator Greive: "Yes, I believe there is. As I said before, I do not think, it is my judgment that Senator Ridder's amendment does not do what he says it will do. Actually what it says on page 2, line 25, following section 1, strike all of section 2. So we look down to line 25."

Senator Day: "You are on the wrong amendment."

Senator Greive: "That is what I thought it meant. So what he does is repeals any control had by the county council. He sets it up in such a way that you would have to have a manager and all the little people that he keeps talking about would have no protection whatsoever. That is the very point that I want to make."

Senator Day moved adoption of the following amendment to the amendment by Senator Greive:

Amend the Greive Amendment to page 1, section 1, line 19, as follows:

Before the period on the last line of the amendment insert "": PROVIDED FURTHER, That any function as provided for in RCW 35.58 shall be performed only if initiated by a vote of the people. The metropolitan council may call such election and certify the ballot proposition. The result of such election shall be binding for a period of no less than one year."

Debate ensued.

## MOTIONS

Senator Greive moved that the amendment by Senator Day to the amendment be laid upon the table.

Senator Mardesich moved that Senate Bill No. 690 hold its place on the second reading calendar for Tuesday, April 20, 1971.

## POINT OF ORDER

Senator Mardesich: "Point of order. Is not the motion to hold in order at any time in the proceedings?"

## RULING BY THE PRESIDENT

The President: "The President feels obliged to place Senator Greive's motion, which has been done but the President is in doubt as to the outcome of the vote."

The motion by Senator Greive carried and the amendment by Senator Day to the amendment by Senator Greive was laid upon the table on a rising vote.

## MOTIONS

Senator Mardesich again moved that Senate Bill No. 690 be ordered to hold its place on the second reading calendar for Tuesday, April 20, 1971.

Senator Day moved that the amendment by Senator Greive be laid upon the table.

## REPLY BY THE PRESIDENT

The President: "The President believes, in order to keep the situation as straight as possible, that we will put Senator Mardesich's motion. If that is defeated then yours, Senator Day."

The motion by Senator Mardesich failed on a rising vote.

The motion by Senator Day to lay upon the table the amendment by Senator Greive failed on a rising vote.

The amendment by Senator Greive was adopted on a rising vote.

Senator Ridder moved adoption of the following amendment:

On page 11, add a new section following section 8 as follows:

"NEW SECTION. Sec. 9. Section 35.58.110, chapter 7, Laws of 1965 and RCW 35.58.110 are each repealed."

Re-number the remaining sections consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "In reading this explanation of this amendment which was passed out by some supposed authorities, it says here that although the Greive amendment provided a vote of the people, the alternative method does not and simply requires a two-thirds vote of the council. Now what I am trying to get at, Mr. President, and I would like to have this settled clearly and definitely so there will not be any confusion, does this entry into mass transit require a vote of the people or does it not? I think we should make that crystal clear and not beat around the bush on it. Could we get a flat answer from Senator Ridder and Senator Greive? I would like to know a definite answer to this question."

Senator Ridder: "My amendment makes it necessary to go to a vote of the people to adopt any one of the following functions: the adopting of the function of sewage disposal, the adoption of the function of water supply, the adoption of the function of public transportation, which is mass transit, the adoption of garbage disposal, parks and parkways, or metropolitan comprehensive planning. Each one of these authorized functions must, if you repeal this section that I am asking you to repeal, must all go to a vote of the people.

"Now contrary to what Senator Clarke said, when you adopt the function you adopt the taxing program. When you adopt this function, whether it be any one of these six functions, without a vote of the people the taxing comes right along with it. That is what is the hidden one that we should be watching for. The case that once you adopt the function you have adopted the whole ball of wax.

"Senator Greive says in his amendment, the only one of these functions affected is transportation. Fine. I like that part of the loaf, I am willing for that but we should do this for all these functions, not just for transportation. The repeal of this section, which is my amendment, would merely put all of these functions to a vote of the people and no taxing, no bonding, until it goes to a vote of the people for that function and that is what we are after."

#### POINT OF INQUIRY

Senator Atwood: "Mr. President, Senator Ridder, would you answer Senator Canfield's question? With the Greive amendment, transportation, the assumption of that function by metro requires a vote of the people. Is that not true? Yes or no?"

Senator Ridder: "Yes. In answering this is exactly the same thing when a lawyer asks a person to say yes or no. Okay, I will agree. That one thing is taken care of in Senator Greive's amendment. In mine, all six functions are taken care of and that is the thing we are after. All six functions, not just one. Why is it that metro was willing to take transit? They are willing to get in on transit but they do not want to get in on the other five. Why? I would like to answer that question sometime."

Further debate ensued.

Senator Greive moved that the amendment by Senator Ridder be laid upon the table.

Senator Ridder demanded a roll call and the demand was sustained by Senators Connor, Dore, Washington, Metcalf, McDougall, Canfield, Stender, Newschwander and Talley.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Greive failed by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Andersen, Atwood, Clarke, Connor, Elicker, Foley, Francis, Greive, Henry, Holman, Lewis, McCutcheon, McDougall, Matson, Murray, Peterson (Ted), Scott, Stortini, Twigg, Washington, Whetzel, Wilson—22.

Voting nay: Senators Bailey, Canfield, Cooney, Day, Donohue, Dore, Fleming, Gissberg, Guess, Herr, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Newschwander, Odegaard, Ridder, Sandison, Stender, Talley, Walgren, Woodall—23.

Excused: Senators Durkan, Gardner, Huntley, Peterson (Lowell)—4.

Debate ensued.

Senators McDougall, Matson and Greive demanded the previous question and the demand was sustained.

Senator Ridder demanded a roll call and the demand was sustained by Senators Dore, Greive, Talley, Stender, McDougall, Cooney, Day, Francis and Washington.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ridder.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Ridder was not adopted by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bailey, Canfield, Cooney, Day, Donohue, Dore, Gissberg, Guess, Herr, Keefe, Knoblauch, Mardesich, Metcalf, Newschwander, Odegaard, Ridder, Sandison, Stender, Talley, Twigg, Walgren, Woodall—22.

Voting nay: Senators Andersen, Atwood, Clarke, Connor, Elicker, Fleming, Foley, Francis, Greive, Henry, Holman, Jolly, Lewis, McCutcheon, McDougall, Matson, Murray, Peterson (Ted), Scott, Stortini, Washington, Whetzel, Wilson—23.

Excused: Senators Durkan, Gardner, Huntley, Peterson (Lowell)—4.

Senator Ridder moved adoption of the following amendment:

On page 2, line 25, following section 1, strike all of section 2. Renumber the following sections.

#### POINT OF INQUIRY

Senator Greive: "Would Senator Ridder yield? Senator, I would like to agree with you if what you say is true but would you explain to me how the words as I read them here come out with what is your explanation?"

Senator Ridder: "Any resolution to perform the metropolitan transportation function with an appointed commission, pursuant to the regular RCW, shall not become effective until approved by the voters residing within the boundaries of the metropolitan municipal corporation. If this is left, then the council is the one that is chosen. You do not put it to a vote. You just keep right on with the council.

"Now if you put it to a vote, then the commission has a chance to be voted on. The rationale for this is that they said they have put this up to a vote, twice, to the people and the people have chosen twice to go by council rather than commission. Therefore we might as well erase this provision for people to vote on it because they have already voted to go council anyway. I do not go along with this rationale. I think the people still have the right to choose whether they want to go by commission or by council."

Senator Greive: "I have no serious objection to that amendment."

Further debate ensued.

Senator Ridder demanded a roll call and the demand was sustained by Senators Greive, Metcalf, Washington, Stender, Day, Cooney, Talley, Keefe and Knoblauch.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Ridder was not adopted by the following vote: Yeas, 21; nays, 24; excused, 4.

Voting yea: Senators Cooney, Day, Donohue, Dore, Foley, Gissberg, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Odegaard, Ridder, Stender, Stortini, Talley, Walgren, Woodall—21.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Elicker, Fleming, Francis, Greive, Holman, Lewis, McCutcheon, McDougall, Matson, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Twigg, Washington, Whetzel, Wilson—24.

Excused: Senators Durkan, Gardner, Huntley, Peterson (Lowell)—4.

#### MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 4:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, April 20, 1971.

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

## FORTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, April 20, 1971.

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 Peterson (Lowell) and Walgren. On motion of Senator Keefe, Senator Peterson (Lowell) was excused. On motion of Senator Knoblauch, Senator Walgren was excused.

The Color Guard, consisting of Pages Janet Morris, Color Bearer, and Steve Armstrong, presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered prayer as follows:

"Our Father in heaven, as we pray for Thy guidance and help, we know that You do not intend prayer to be a substitute for work. We know that we are expected to do our part, for You have made us not as puppets, but as persons with minds to think and to decide. Make us willing to think and to think hard, clearly, and honestly. May we never fail to do the very best we can. We pray for a new spirit to come upon us that we may be able to do more and better work, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

April 20, 1971.

SENATE BILL NO. 315, enacting a "unit pricing act" (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, Stortini, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 19, 1971.

SENATE BILL NO. 434, creating a division of criminal identification within the department of social and health services (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 434 be substituted therefor and that the substitute bill do pass, with the recommendation that it be referred to the Committee on Ways and Means.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Foley, Holman, Twigg, Walgren.

There being no objection, Senate Bill No. 434 was referred to the Committee on Ways and Means.

April 7, 1971.

SENATE BILL NO. 863, pertaining to local improvement districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Elicker, Fleming, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

SENATE BILL NO. 902, limiting exculpatory agreements (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Clarke, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 19, 1971.

HOUSE BILL NO. 200, authorizing the relocation of harbor lines in front of Kalama and Everett (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

HOUSE BILL NO. 362, providing that the rule against perpetuities applies to all trusts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 19, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, waiving examinations required of applicants to practice certain healing arts (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

### MOTION

On motion of Senator Greive, the Senate immediately commenced consideration of the committee report on Engrossed House Bill No. 735.

April 13, 1971.

ENGROSSED HOUSE BILL NO. 735, revising the workmen's compensation law (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass with the following amendments:

Strike all the matter after the enacting clause and insert the following:

"Section 1. Section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any [extrahazardous] work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen [, in extrahazardous work].

Sec. 2. Section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010 are each amended to read as follows:

There is a hazard in all employment [, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations,] and it is the purpose of this title to embrace all [of them] employments which are within the legislative jurisdiction of the state [, in the following enumeration, and they are intended to be embraced] within the term "extrahazardous" wherever used in this title [, to wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power, quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving, and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels; janitors, chambermaids, porters, bellmen, pinsetters, elevators operators and maintenance men employed in apartment houses, office buildings, stores, mercantile establishments, theaters and bowling alleys employing one or more employees; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations].

*This title shall be liberally construed for the purpose of reducing to a minimum the*

*suffering and economic loss arising from injuries and/or death occurring in the cause of employment.*

Sec. 3. Section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be deemed extrahazardous [within the meaning, or be] and thus not included [in the enumeration of RCW 51.12.010, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises] *within the mandatory coverage of this title:*

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

Sec. 4. Section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with a cash deposit in a sum equal to the estimated premiums [on the estimate of his payroll and workmen hours] for the first three calendar months of his proposed operations which shall remain on deposit subject to the other provisions of this section.

The director may, in his discretion and in lieu of such deposit, accept a bond, in an amount which he deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums [to the accident fund and medical aid fund based on his actual workmen hours as provided by RCW 51.16.010 and 51.16.060] *subsequently due.*

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the director may, in his discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under RCW 51.08.070, the director shall, upon receipt of all payments due the accident fund and medical aid fund [based on the actual workmen hours], refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

[Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July 1st date, which said cost experience shall be computed in accordance with the provisions of RCW 51.16.020, and shall be liable for a premium of at least two dollars per month irrespective of the amount of his workmen hours reported during said month to the department: PROVIDED, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of such employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, the director may continue, increase, or decrease such experience rating which existed prior to such change in the employer's legal structure.]

Sec. 5. Section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010 are each amended to read as follows:

Whenever any accident occurs to any workman it shall be the duty of such workman or someone in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local representative of the department.

*Upon receipt of such notice of accident, the director shall immediately forward to the workman and/or his dependents notification, in nontechnical language, of his rights under this title.*

Sec. 6. Section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030 are each amended to read as follows:

Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the

parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department.

*Upon receipt of notice of accident under RCW 51.28.010, the director shall immediately forward to the party or parties required to make application for compensation under this section, notification, in nontechnical language, of their rights under this title.*

Sec. 7. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed [six] eight hundred dollars shall be paid to the undertaker conducting the funeral.

(2) [If the workman leaves a widow or invalid widower, a monthly payment of one hundred forty dollars, shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars, but the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries.] *A widow or invalid widower of a deceased workman shall receive monthly throughout his or her life the following sums:*

*(a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars.*

*(b) If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars.*

*(c) If there are two children of the deceased workman, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars.*

*(d) If there are three children of the deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars.*

*(e) If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars.*

*(f) If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.*

*Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed the average monthly wage of the state as computed under section 14 of this 1971 amendatory act.*

In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving widow or invalid widower of any such deceased workman shall be forthwith paid the sum of [six] eight hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of [two] ten thousand dollars or fifty percent of the then remaining annuity value of her pension, whichever is the lesser, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) [If the workman leaves no wife or husband, but an orphan child or children a monthly payment of seventy dollars shall be paid to each such child, but the total monthly payments shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.]

*If there is a child or children and no widow or widower of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or the average monthly wage of the state as defined in section 14 of this 1971 amendatory act, whichever is the lesser of the two sums.*

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the [sum of seventy dollars per month, but the total monthly payment shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries] same payment as provided in subsection (3) of this section.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed [one hundred twenty-five dollars per month] sixty-five percent of the monthly wages of the deceased workman at the time of his death or the average monthly wage of the state as defined in section 14 of this 1971 amendatory act, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years *except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an*

accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive [one hundred forty dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars: PROVIDED, That the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive seventy dollars per month, but the total monthly payment to such children shall not exceed three hundred fifty dollars, and any deficit shall be deducted proportionately among the children] *benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section.* Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 8. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) [If unmarried at the time of the injury, the sum of one hundred eight-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of two hundred fifteen dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of one hundred seventy-five dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by thirty-seven dollars for the youngest or only child, thirty-one dollars for the next or second youngest child, and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twenty-two dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.] *If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.*

(2) *If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.*

(3) *If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.*

(4) *If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.*

(5) *If married with four children at the time of injury, seventy-three percent of his wages but not less than three hundred twenty-nine dollars per month.*

(6) *If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.*

(7) *If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five per month.*

(8) *If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.*

(9) *If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.*

(10) *If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.*

(11) *If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.*

(12) *If unmarried with five or more children at the time of injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.*

(13) *For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.*

[(5)] (14) *In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased [one hundred fifteen dollars] by an amount equal to forty percent of the average monthly wage of the state as computed in section 14 of this 1971 amendatory act. per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.*

[(6)] (15) *Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.*



(16) In no event shall the monthly payments provided in this section exceed the average monthly wage of the state as computed under the provisions of section 14 of this 1971 amendatory act.

Sec. 9. Section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, [1965] 1971, be paid one hundred [twenty-five] *eighty-five* dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred [sixty-five] *eighty-five* dollars per month, and one hundred *fifteen* dollars per month additional in cases requiring the services of an attendant, if unmarried at the time his injury occurred; [one hundred ninety] *two hundred fifteen* dollars per month, and one hundred *fifteen* dollars per month additional in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and one hundred [fifty-five] *seventy-five* dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the [funds appropriated by the legislature] *supplemental pension fund* such an amount as will, when added to the pensions they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

[The legislature shall make biennial appropriations to carry out the purposes of this section.]

Sec. 10. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium) . . . . .	[ \$15,000.00]	\$30,000.00
Of leg at or above knee joint with functional stump . . . . .	[ 13,500.00]	27,000.00
Of leg below knee joint . . . . .	[ 12,000.00]	24,000.00
Of leg at ankle (Syme) . . . . .	[ 10,500.00]	21,000.00
Of foot at mid-metatarsals . . . . .	[ 5,250.00]	10,500.00
Of great toe with resection of metatarsal bone . . . . .	[ 3,150.00]	6,300.00
Of great toe at metatarsophalangeal joint . . . . .	[ 1,890.00]	3,780.00
Of great toe at interphalangeal joint . . . . .	[ 1,000.00]	2,000.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone . . . . .	[ 1,150.00]	2,300.00
Of lesser toe at metatarsophalangeal joint . . . . .	[ 560.00]	1,120.00
Of lesser toe at proximal interphalangeal joint . . . . .	[ 415.00]	830.00
Of lesser toe at distal interphalangeal joint . . . . .	[ 105.00]	210.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder . . . . .	[ 15,000.00]	30,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon . . . . .	[ 14,250.00]	28,500.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand . . . . .	[ 13,500.00]	27,000.00

Of all fingers except the thumb at metacarpophalangeal joints . . . . .	[ 8,100.00]	16,200.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone . . . . .	[ 5,400.00]	10,800.00
Of thumb at interphalangeal joint . . . . .	[ 2,700.00]	5,400.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	[ 3,375.00]	6,750.00
Of index finger at proximal interphalangeal joint . . . . .	[ 2,700.00]	5,400.00
Of index finger at distal interphalangeal joint . . . . .	[ 1,485.00]	2,970.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	[ 2,700.00]	5,400.00
Of middle finger at proximal interphalangeal joint . . . . .	[ 2,160.00]	4,320.00
Of middle finger at distal interphalangeal joint . . . . .	[ 1,215.00]	2,430.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	[ 1,350.00]	2,700.00
Of ring finger at proximal interphalangeal joint . . . . .	[ 1,080.00]	2,160.00
Of ring finger at distal interphalangeal joint . . . . .	[ 675.00]	1,350.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone . . . . .	[ 675.00]	1,350.00
Of little finger at proximal interphalangeal joint . . . . .	[ 540.00]	1,080.00
Of little finger at distal interphalangeal joint . . . . .	[ 270.00]	540.00

## MISCELLANEOUS

Loss of one eye by enucleation . . . . .	[ 6,000.00]	12,000.00
Loss of central visual acuity in one eye . . . . .	[ 5,000.00]	10,000.00
Complete loss of hearing in both ears . . . . .	[ 12,000.00]	24,000.00
Complete loss of hearing in one ear . . . . .	[ 12,000.00]	4,000.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in [an amount equal to eight-five percent of] the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of [twelve thousand seven hundred and fifty] *thirty thousand* dollars: PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of [twelve thousand seven hundred and fifty] *thirty thousand* dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds [one thousand dollars] *three times the average monthly wage for all workmen entitled to compensation under this title*, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in [the amount of one thousand dollars] *an amount equal to three times the average monthly wage for all workmen entitled to compensation under this title* and

interest shall be paid at the rate of five percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: PROVIDED FURTHER, That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the [department depending upon the merits of each individual application] workman: PROVIDED FURTHER, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 11. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) [, (2), (3) and (4)] through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) [But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.]

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) [As soon as] *Where vocational rehabilitation or retraining is likely to restore the injured workman to a form of gainful employment, the director shall authorize continued benefits under this section while the workman is actively and successfully undergoing a formal program of vocational rehabilitation or retraining and until recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall [cease] continue.* If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of [thirty] *fourteen* consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

(6) *In no event shall the monthly payments provided in this section exceed the average monthly wage of the state as computed under the provisions of section 14 of this 1971 amendatory act.*

Sec. 12. Section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110 are each amended to read as follows:

Any workman entitled to receive compensation under this title shall, if requested by the department, submit himself for medical examination, at a time and from time to time, at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place and no compensation shall be payable during or for such period or, if any injured workman shall persist in unsanitary or injurious practices which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the department may reduce or suspend the compensation of such workman. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him out of the accident fund upon proper voucher and audit.

*If the medical examination required by this section causes the workman to be absent from his work without pay he shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended notwithstanding the provisions of subdivision (3) of such section as amended.*

**NEW SECTION.** Sec. 13. There is added to chapter 51.08 RCW a new section to read as follows:

(1) For the purposes of this title, the monthly wages the workman was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the workman's wages are not fixed by the month, they shall be determined by multiplying the daily wage the workman was receiving at the time of injury:

- (a) By five, if the workman was normally employed one day a week;
- (b) By nine, if the workman was normally employed two days a week;
- (c) By thirteen, if the workman was normally employed three days a week;
- (d) By eighteen, if the workman was normally employed four days a week;
- (e) By twenty-two, if the workman was normally employed five days a week;
- (f) By thirty, if the workman was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer, but shall not include overtime pay, tips, or gratuities. The daily wage shall be eight times the hourly wage unless the workman is normally employed for less than eight hours.

(2) In cases where a wage has not been fixed or cannot reasonably and fairly be determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

**NEW SECTION.** Sec. 14. There is added to chapter 51.08 RCW a new section to read as follows:

For the purposes of this 1971 amendatory act, the average monthly wage in the state shall be determined by the department as follows: On or before the first day of December of each year, the total wages reported on contribution reports to the department of labor and industries for the four calendar quarters ending on the thirtieth of June of such year shall be divided by the average monthly number of insured workmen (determined by dividing the total insured workmen reported for the same period by twelve). The average annual wage thus obtained shall be divided by twelve and the average monthly wage thus determined rounded to next higher multiple of one dollar. The average monthly wage as so determined shall be applicable for the full period during which compensation is payable, when the date of occurrence of injury or of disability in the case of disease falls within the calendar year commencing the first day of January following the determination made on the first day of December.

**NEW SECTION.** Sec. 15. There is added to chapter 51.16 RCW a new section to read as follows:

The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be the lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles. The department shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workmen's compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to maintain solvency of the funds, readjust rates in accordance with the rating system to become effective on such dates as the department may designate.

**NEW SECTION.** Sec. 16. There is added to chapter 51.32 RCW a new section to read as follows:

Each employer shall retain from the earnings of each workman that number of cents as shall be fixed from time to time by the director for each day or part thereof the workman is employed. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department at such intervals as the department directs and shall be placed in the supplemental pension fund created by this 1971 amendatory act. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

**NEW SECTION.** Sec. 17. There is added to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments prescribed in RCW 51.32.070.

**NEW SECTION.** Sec. 18. There is added to chapter 51.44 RCW a new section to read as follows:

Any moneys remaining from funds appropriated by the legislature for the purposes of making additional payments to prior pensioners under prior provisions of RCW 51.32.070, and any liabilities in connection therewith, are transferred to the supplemental pension fund on the effective date of this new 1971 section.

**NEW SECTION.** Sec. 19. The following acts or parts of acts are each hereby repealed:

- (1) Section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010;

(2) Section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020;

(3) Section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030;

(4) Section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; and

(5) Section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080.

**NEW SECTION. Sec. 20.** This 1971 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, 1971."

Strike all of the title and substitute the following:

"An Act relating to industrial insurance; amending section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070; amending section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010; amending section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020; amending section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110; amending section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010; amending section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060; amending section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090; amending section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.32 RCW; adding new sections to chapter 51.44 RCW; repealing section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010; repealing section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020; repealing section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030; repealing section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; repealing section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080; providing an effective date; and declaring an emergency."

Signed by: Senators Stortini, Chairman; Bailey, Connor, McDougall, Ridder, Stender.

#### MOTIONS

On motion of Senator Greive, the rules were suspended, Engrossed House Bill No. 735 was advanced to second reading and read the second time in full.

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

On motion of Senator Knoblauch, Senator Walgren was excused.

On motion of Senator Greive, the rules were suspended, Engrossed House Bill 735, 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. 735, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Ted), Ridder, Sandison, Stortini, Talley, Washington, Wilson—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Stender, Twigg, Whetzel—18.

Absent or not voting: Senators Mardesich, Woodall—2.

Excused: Senators Peterson (Lowell), Walgren—2.

ENGROSSED HOUSE BILL NO. 735, 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.

## REPORT OF STANDING COMMITTEE

April 16, 1971.

HOUSE BILL NO. 800, providing for conversion of cooperative associations into corporations and for mergers between co-ops and corporations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

April 19, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 363, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 19, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 415 and has passed the bill with the Senate amendments. MALCOLM McBEATH, Chief Clerk.

1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 660, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 19, 1971.

Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 622,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 730,  
 ENGROSSED HOUSE BILL NO. 903,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,  
 ENGROSSED HOUSE BILL NO. 1094,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 19, 1971.

Mr. President: The House has adopted:  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19,  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 23,  
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 33,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 622, by Representatives Smythe, O'Brien and Bledsoe:

Amending the municipal revenue bond act.  
 Referred to Committee on Cities, Towns and Counties.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 730, by Committee on Revenue and Taxation:

Exempting commercial marine vessels from excise tax on motor vehicle fuel.  
 Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 903, by Representatives Kopet, Douthwaite and Ross:

Requiring local governmental sewerage systems to have waste disposal permits from the department of ecology.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081, by Committee on Revenue and Taxation:

Pertaining to tax credits for pollution control facilities.  
 Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 1094, by Representative Hoggins:  
Implementing law relating to school districts and their negotiations with certificated personnel.

Referred to Committee on Education.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Williams and Lysen:

Authorizing a study relating to community schools.

Referred to Committee on Education.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 23, by Representatives King and Shinpoch:

Providing for a legislative council study of landlord-tenant laws and relationships.

Referred to Judiciary Committee.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 33, by Representatives Bradley, Anderson, Charette, Zimmerman and Van Dyk:

Calling for study of need for personal use clam licenses.

Referred to Committee on Natural Resources, Fisheries and Game.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 363,

HOUSE BILL NO. 660.

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

SENATE RESOLUTION: 1971-EX-48

By Senators Jolly and Washington:

WHEREAS, Serious economic conditions afflict all portions of the state's economy;

and WHEREAS, Cutbacks at the Boeing Airplane Company and at the Hanford Project have dealt the state severe economic blows; and

WHEREAS, Segments of the state's second largest industry, agriculture, also have suffered an economic downturn, especially in field crops, such as potatoes; and

WHEREAS, Low prices have been such that producers in the major potato-growing area, the Columbia Basin, are faced with bankruptcy; and

WHEREAS, Potato prices do not reflect even one-third of the cost of production to the grower; and

WHEREAS, All potato-growing regions of Washington, Idaho, Oregon and Northern California have an oversupply of ten to fifteen percent above normal market needs; and

WHEREAS, These regions all are competing in the same markets driving prices down even further; and

WHEREAS, Programs of the U.S. Department of Agriculture, through the Agricultural Conservation and Stabilization Service, could be of vital assistance to Washington State potato producers; and

WHEREAS, Such programs could include the diversion of potatoes from the fresh market to processing channels; and

WHEREAS, As administered by the U.S. Department of Agriculture, potato diversion programs are financed by import duties imposed on foreign agricultural commodities entering the United States, and are not a general cost to the American taxpayer;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the Honorable Clifford Hardin, U.S. Secretary of Agriculture, immediately institute such a diversion program to potato producers; and

BE IT FURTHER RESOLVED, That copies of this resolution be directed immediately to President Richard M. Nixon, Secretary of Agriculture Clifford Hardin, Governor Daniel J. Evans and State Director of Agriculture Don Moos, and the members of the Congressional delegation from Washington State.

SECOND READING

SENATE BILL NO. 318, by Senators Greive, Day, and Connor:

Providing for the prohibition of certain material to minors.

## REPORT OF STANDING COMMITTEE

March 24, 1971.

SENATE BILL NO. 318, providing for the prohibition of certain material to minors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 17, after "person" and before the comma strike "clad in bizarre costume"

On page 1, section 1, line 18, after "restrained" strike all of the material down to and including "clothed" on line 19

On page 3, section 5, beginning on line 20, after "act" strike down to and including "dollars" on line 23 and insert "shall be guilty of a misdemeanor"

On page 3, section 5, line 24, after "than" and before "times" strike "three" and insert "two"

On page 4, following section 7 insert a new section to read as follows:

"NEW SECTION. Sec. 8. The provisions of this act shall be cumulative and non-exclusive and are not intended to prevent a municipal corporation from enacting an ordinance or resolutions regulating the subject matter covered by this act."

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Foley, Greive, Holman, Twigg, Woodall.

The bill was read the second time by sections.

On motion of Senator Greive, the first committee amendment was adopted.

On motion of Senator Gissberg, the remainder of the committee amendments were adopted.

On motion of Senator Metcalf, the following amendment was adopted:

On page 2, section 1, line 1, strike "utterly" and insert "on balance"

Senator Francis moved adoption of the following amendment:

On page 2, section 3, line 32, strike everything after "Sec. 3." down to and including "(2)" on page 3, line 4.

Debate ensued.

The motion lost and the amendment was not adopted.

On motion of Senator Stortini, the following amendment was adopted:

On page 2, section 2, line 30, following subsection (3) add a new subsection as follows: "(4) He shall display or show a preview of a forthcoming motion picture which will be restricted to persons over a certain age, to a motion picture audience which has not been restricted to persons over a certain age."

Senator Francis moved adoption of the following amendment:

On page 3, line 26, insert a new section to read as follows:

"NEW SECTION. Sec. 6. No person shall be convicted of a crime under this act unless there has been a determination by a superior court of this state that the material in question is indecent and harmful to minors, as provided in chapter 9.68 RCW prior to the commission of any of the acts described in section 2 of this act."

Renumber the remaining sections.

Senator Holman moved adoption of the following amendment to the amendment by Senator Francis:

On page 3, section 6, line 5 of the amendment, strike "a determination by a superior court" and insert "a final determination by a court of competent jurisdiction"

Debate ensued.

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

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

On motion of Senator Gardner, the following amendment to the title was adopted:

On page 1, line 3 of the title, following "materials;" strike "and requiring the labeling of obscene materials and prohibiting the sale or exhibition thereof to minors." and insert "requiring the labeling of obscene materials and prohibiting the sale or exhibition thereof to minors; creating new sections; defining crimes; and prescribing penalties."

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 318 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. 318, and



the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senators Francis, Murray—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Peterson (Lowell)—1.

ENGROSSED SENATE BILL NO. 318, having received the 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. 690, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

Pertaining to metropolitan municipal corporations.

The Senate resumed consideration of Senate Bill No. 690 on second reading.

Senator Dore moved adoption of the following amendment:

On page 4, section 3, line 31, insert a new subsection (7) as follows:

*"(7) Ten additional members elected at large from the area embracing the boundaries of the metropolitan municipal corporation."*

Renumber the remaining subsections.

Debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Would Senator Greive yield to a question? Senator, it is my understanding that the people who live outside of organized cities and towns are now represented on the metro council by seven members of the city council, that they actually therefore do have representation now. Is this correct?"

Senator Greive: "The reason for the amendment in this particular bill of the number that they had, before I think it was twenty-seven, is so that every member of the county council could be on the board. You see, originally when this was passed, the county commissioners, they only had three county commissioners so they are represented."

Further debate ensued.

Senator Dore demanded a roll call and the demand was sustained by Senators Greive, Fleming, Stender, Lewis, Day, Mardesich, Connor, Canfield and Gardner.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Dore was not adopted by the following vote: Yeas, 13; nays, 31; absent or not voting, 4; excused, 1.

Voting yea: Senators Canfield, Cooney, Day, Donohue, Dore, Fleming, Foley, Herr, Jolly, Mardesich, Odegaard, Ridder, Walgren—13.

Voting nay: Senators Andersen, Atwood, Bailey, Clarke, Connor, Durkan, Elicker, Gardner, Gissberg, Greive, Guess, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—31.

Absent or not voting: Senators Francis, Henry, Metcalf, Woodall—4.

Excused: Senator Peterson (Lowell)—1.

Senator Ridder moved adoption of the following amendment:

On page 4, section 3, line 33, after "be" and before "and" on line 1 of page 5 strike "the chairman of the metropolitan sewer advisory committee" and insert "a commissioner of a sewer district which is a component part of the metropolitan municipal corporation"

Senator Greive moved adoption of the following amendment to the amendment by Senator Ridder:

Amend the Ridder amendment to page 4, section 3, line 33, as follows:

On line 5 of the amendment, after "district" and before "which" insert "or water district performing sewer functions"

Debate ensued.

The motion lost and the amendment to the amendment was not adopted.

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

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

*On page 5, section 3, line 3, after "disposal." insert the following: "The commissioners of all sewer districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following the effective date of this 1971 amendatory act and thereafter on the second Tuesday of June of each even-numbered year at 2:00 o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select a member to serve on the metropolitan council and successive ballots taken until one candidate receives a majority of votes cast."*

Senator Day moved adoption of the following amendment:

*On page 8, section 6, line 15, after "service" and before the colon insert "other than charter services which shall not be permitted by any metropolitan municipal corporation"*

Senator Day moved adoption of the following amendment to the amendment by Senator Day:

Amend the Day amendment to page 8, section 6, line 15, as follows:

*After "corporation" on the last line of the amendment, insert ": PROVIDED, That in the event that private charter companies cannot meet peak demands for charter services, the metropolitan transportation system may lease buses to private charter companies to meet emergency situations: AND PROVIDED FURTHER, That in addition to any fees paid to the metropolitan transportation system for leased buses, such private charter company shall remit to the state department of revenue ten dollars for each day or portion thereof for each bus so leased in lieu of license fees"*

#### MOTION

At 12:40 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

#### SECOND READING

SENATE BILL NO. 690, by Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott:

Pertaining to metropolitan municipal corporations.

The Senate resumed consideration of Senate Bill No. 690 and the pending amendments by Senator Day.

#### MOTIONS

On motion of Senator Greive, the amendment to the amendment and the amendment by Senator Day were laid upon the table.

On motion of Senator Donohue, Senator Walgren was excused.

Senator Greive moved adoption of the following amendment by Senators Greive and Atwood:

*On page 8, section 6, line 28, after "city" and before the period insert ": PROVIDED, That no metropolitan municipal corporation shall operate a charter bus service beyond the corporate limits of a city into any territory already served by a privately operated charter party carrier of passengers company holding a certificate of public convenience and necessity from the utilities and transportation commission, unless and until such metropolitan municipal corporation shall establish a tariff for such charter service approved by the Washington utilities and transportation commission, which tariff shall not be lower than the current tariffs of any such privately operated charter party carriers of passenger companies: AND PROVIDED FURTHER, That such metropolitan municipal corporation shall not operate any charter service beyond its corporate limits"*

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Would Senator Atwood yield? Senator, is it your thinking then

that my amendment at the bottom of that page could be an adjunct to what you are doing here?"

Senator Atwood: "That is exactly what I say, Senator. Senator Day has confused the charter service with the auto transportation service, so he is wrong in what he says. If we adopt your amendment that will protect the situation he is talking about and I support your amendment."

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

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

On page 8, section 6, line 28, after line 28 add a new paragraph as follows:

*"In the event any metropolitan municipal corporation shall extend its metropolitan transportation function to any area or service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission, under RCW 81.68.040 it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation."*

Senator Mardesich moved adoption of the following amendment:

On page 10, section 7, line 8, after "bonds shall" strike all the matter down to and including "council" on line 9, and insert "[bear interest at a rate or rates as authorized by the metropolitan council] be sold by calling for public bids therefor"

On motion of Senator Whetzel, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the amendment to page 10, section 7, line 8 as follows:

In the last line of the amendment strike "by calling for public bids therefor" and insert "provided in RCW 39.44.030"

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

Senator Mardesich moved adoption of the following amendment:

On page 11, section 8, lines 1 and 2, strike "whether made" on line 1 and "or during prior years" on line 2.

On motion of Senator Whetzel, the following amendment to the amendment by Senator Mardesich was adopted:

Amend the Mardesich amendment to page 11, section 8, lines 1 and 2 as follows: In the last line of the amendment strike "during prior years" and insert "any year prior to the effective date of this act"

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

#### MOTIONS

On motion of Senator Keefe, Senator Foley was excused.

Senator Day moved adoption of the following amendment:

On page 11, beginning on line 23, strike all of section 10.

Debate ensued.

#### POINT OF INQUIRY

Senator Day: "Of course, having been around here a couple of years I am not so naive as to believe that the amendment by Senator Greive which allows a vote, Senator Stender, will not be removed in the House and then when the bill comes back here it will be impossible to amend and take the emergency clause off of it. Just so we all understand the mechanics of the thing. I would like to have someone answer the question, where is the money coming from that the federal funds will match?"

Senator Greive: "This contemplates an additional one-third of a cent sales tax to be levied locally. That is Senate Bill No. 691, and it is in Senator Durkan's committee. They were two subjects and therefore they could not be in the same bill. So you will have a chance to talk about that later. But that is where the money will come from, we will have to tax ourselves."

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

On motion of Senator Guess, the following amendment was adopted:

On page 2, section 1, line 7, after "class A" and before "or" insert "county contiguous to a class AA county"

On motion of Senator Greive, the following amendment to the title was adopted:

On page 1, line 17 of the title, after "35.58.560;" insert "adding a new section;"

## POINT OF INQUIRY

Senator Mardesich: "Senator Atwood or Senator Greive, will someone yield to a question? I am wondering in view of the fact that this is an open ended appropriation whether there might be any objection to holding the measure so that we could develop an amendment calling for a proration of the funds actually appropriated so that we do not come up against this problem of an open end budget that could put us eight or ten million out of kilter here in a heck of a hurry?"

Senator Greive: "I would object very strenuously to that. It seems to me that we have had this bill around now for a week or so, we had a chance to study it. We have the problem. The solution to this problem certainly is not holding the bill over. The solution to this problem is in a separate piece of legislation as Senator Atwood has already pointed out, and whether we do or do not do that is not going to be this bill alone.

"You understand that the bill he has reference to affects a great number of funds and is much more extensive than this and it would be unfair to single out this one particular problem and raise it. Eventually, I would expect that money to be paid back and it is a bookkeeping problem and it is one that should be solved by the legislation and I do not think that we should pick on this particular bill."

Senator Atwood: "Unfortunately, Senator Mardesich, I do not think we can do it in this bill. That is a separate title, it affects many cities and Senator Guess and I tried to amend the bill. It goes into effect on July first of this year and I do not think we could very well hang it in here. Senator Washington had the bill in his committee and I do not think we can affect the open-endedness here because the bill provides that a certain percentage of the motor vehicle excise will be diverted to those cities that have publicly-owned transit so I think it would probably be beyond the scope and object of this particular bill. It not only affects the Seattle Transit but affects Bremerton, Vancouver and Spokane, incidentally."

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 690 was advanced to third reading, the second 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. 690, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—44.

Voting nay: Senator Ridder—1.

Absent or not voting: Senator Woodall—1.

Excused: Senators Foley, Peterson (Lowell), Walgren—3.

ENGROSSED SENATE BILL NO. 690, having received the constitutional 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, Senate Bill No. 186 was ordered placed at the beginning of the second reading calendar for Friday, April 23, 1971.

## SECOND READING

SENATE BILL NO. 668, by Senator Mardesich:

Creating a joint committee on banking, insurance and transportation.

The Senate resumed consideration of Senate Bill No. 668 on second reading.

Senator Mardesich moved adoption of the following amendment:

Strike everything after the enacting clause and insert:

"**NEW SECTION.** Section 1. As used in this chapter "committee" means the joint committee on banking, insurance, and utility regulation of the legislature of the state of Washington.

**NEW SECTION.** Sec. 2. There is hereby created the joint committee on banking, insurance, and utility regulation of the legislature of the state of Washington.

**NEW SECTION.** Sec. 3. The committee shall consist of six senators and six representatives who shall be selected prior to the close of the forty-second session of the legislature, or any extraordinary session thereof and before the close of each regular session thereafter as follows: **PROVIDED,** That there shall be no more than three senators or three representatives appointed from any one political party: **AND PROVIDED FURTHER,** That if prior to the close of any regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such selections shall be made as a matter of closing business of such extraordinary session:

(1) The president of the senate shall nominate six senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members of the committee.

(2) The speaker of the house shall nominate six members of the house of representatives to serve on the committee, and shall submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed to members of the committee.

In the event of a failure to appoint the members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

**NEW SECTION.** Sec. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

**NEW SECTION.** Sec. 5. Members shall serve until their successors are installed as provided in section 3 of this act at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner or at the extraordinary session, if any, following the said next succeeding regular session.

**NEW SECTION.** Sec. 6. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in section 3 of this act or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated.

**NEW SECTION.** Sec. 7. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this chapter.

**NEW SECTION.** Sec. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries.

**NEW SECTION.** Sec. 9. The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee at the rate provided for such members by RCW 44.04.120. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman of the committee and approved by the secretary of the committee and the authority of said chairman or said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**NEW SECTION.** Sec. 10. When directed by a two-thirds vote of the whole committee witnesses shall be examined privately.

**NEW SECTION.** Sec. 11. The committee is authorized to ascertain and study facts and matters relating to banking, insurance, commerce and regulatory agencies in the state of Washington, and specifically, but not limited to, a study of how the public's interest is being furthered and protected under present laws and regulations: **PROVIDED, HOWEVER,** That the authority herein granted pertaining to area of study shall not be exclusive and imply no prohibition against study of matters relating to commerce and regulatory agencies by other legislative interim committees.

**NEW SECTION.** Sec. 12. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

**NEW SECTION.** Sec. 13. The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur.

**NEW SECTION.** Sec. 14. The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: **PROVIDED,** That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members.

**NEW SECTION.** Sec. 15. The committee is authorized to promulgate rules and regulations for the administration of its duties, may conduct hearings, and shall have the powers prescribed by chapter 44.16 RCW for legislative committees.

**NEW SECTION.** Sec. 16. The committee shall publish and distribute to all members and members elect of the legislature a report, together with the committee's recommendations, prior to each regular session of the legislature.

**NEW SECTION Sec. 17.** The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

**NEW SECTION. Sec. 18.** Sections 1 through 17 of this act shall constitute a new chapter in Title 44 RCW."

On motion of Senator Mardesich, the following amendments by Senator Mardesich to the amendment were adopted:

On page 3, section 11, line 24 of the Mardesich amendment, after "committees" and before the period insert "": PROVIDED, FURTHER, That the authority of the committee shall not be inferred to include any specific rate making authority such as is delegated to the Washington utilities and transportation commission"

On page 4, section 15, line 10, after "duties" and before "may" strike the comma and insert "and", and after "hearings," on line 10, and before "and" insert "as defined in section 11."

On motion of Senator Dore, the following amendment to the amendment by Senator Mardesich was adopted:

On page 4, strike all of section 17, and renumber the remaining sections.

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

On motion of Senator Mardesich, the committee amendment to the title as proposed on April 16, 1971 was not adopted.

On motion of Senator Mardesich, the following amendment to the title was adopted:  
In line 2 of the title, strike "transportation" and insert "utility regulation"

#### MOTION

On motion of Senator McDougall, Senator Andersen was excused.

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 668 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. 668, and the bill passed the Senate by the following vote: Yeas, 31; nays, 9; absent or not voting, 5; excused, 4.

Voting yea: Senators Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Fleming, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Keefe, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Stender, Stortini, Twigg—31.

Voting nay: Senators Elicker, Jolly, Knoblauch, Odegaard, Scott, Talley, Washington, Whetzel, Wilson—9.

Absent or not voting: Senators Atwood, Connor, Greive, McCutcheon, Woodall—5.

Excused: Senators Andersen, Foley, Peterson (Lowell), Walgren—4.

ENGROSSED SENATE BILL NO. 668, having received the 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. 755, by Senators Woodall, Sandison, Ridder and Scott (by Attorney General request):

Enacting the "Franchise Investment Protection Act."

The Senate resumed consideration of Senate Bill No. 755 on second reading.

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

On page 1, section 1, line 19, after "characteristic" and before "in" strike "and"

On page 1, line 21 before the period insert the following:

"and in which the franchisee is required to pay, directly or indirectly, a franchise fee"

On page 2, section 1, line 6, after "franchises," strike subsection (10) and insert a new subsection (10) to read as follows:

"(10) "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for goods or services, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bonafide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bonafide wholesale price of such goods; (c) a bonafide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bonafide retail price subject to a bonafide commission or compensation plan that in substance reflects only a bonafide wholesale transaction; (e) the purchase or agreement to purchase supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market value."

On page 10, section 11, line 10, following "Sec. 11," strike all of the material down to and including the period on line 26 and insert the following:

"No person shall publish in this state any advertisement concerning a franchise subject to the registration requirements of this act after the director finds that the advertisement contains any statements that are false or misleading or omits to make any statement necessary in order to make the statements made in the light of the circumstances in which they were made not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within 15 days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the administrative procedure act, the director shall determine whether to affirm and to continue or to rescind such order and the director shall have all powers granted under such act."

On page 15, section 18, line 31, following "(i)" strike all of the material to and including the period on line 32 and insert the following:

"to fail to renew a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees."

On page 15, section 18, line 33, following "(j)" strike all of the material to and including the period on line 2, page 16, and insert the following:

"to terminate a franchise or to restrict the transfer of a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees. Upon termination the franchisee shall receive a fair and reasonable compensation for the value of the franchisee's inventory, supplies, equipment, furnishings and prepaid costs and expenses."

Senator Gissberg moved adoption of the following amendment:

On page 16, section 18, line 11, following "(4)" strike all of the material to and including the period on line 14 and insert the following: "In any proceedings damages may be based on reasonable approximations but not on speculation."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Gissberg yield? Senator, I think that that is what they meant to say but if you will look at the way they have it worded, it does not say 'reasonable approximations' of what. It is just totally unlimited and I have never heard of the rule of reasonable approximations in the law of damages. It has always been the law that you cannot speculate. But it is just that 'reasonable approximations' hanging there by itself without the language that was originally in the bill leaves a great gap, in my opinion."

Senator Gissberg: "I do not have any specific brief for the language. It was drawn by the attorney general's office and when I questioned them about that very thing they gave me the example of an accountant, where the franchisor has had in his possession the inventory control. All interested parties have looked at it and I have no pride of authorship in the amendment. But the attorney general's office felt that it would stand up."

"The problem is, the 'reasonable approximations' is that no other way can the franchisee get into evidence, exact evidence, because the franchisor has that information in his possession."

Senator Atwood: "I take it from what you have said that you intend, or this language is intended to include, 'reasonable approximations' of the fair valuation of the franchise itself and anything that goes with it, any inventory or any noncompetitive covenants and things of that nature."

Senator Gissberg: "I really cannot answer that. I do not know if they have an intent on it. My specific intent was to cover the inventory problem, Senator."

Senator Atwood: "That is what this 'fair approximation' is really aimed at?"

Senator Gissberg: "Yes."

Senator Atwood: "The inventory on hand in the franchisee's hands or in the warehouse of the franchisor?"

Senator Gissberg: "It would be in the franchisee's hands but the franchisor would have the only information with respect to what the actual inventory was at any one time. But that is what I intend to cover."

#### POINT OF INQUIRY

Senator Holman: "May I ask Senator Gissberg a question? Senator, I think there is something wrong here because the language you are inserting in subsection (4) is the identical language that is already in subsection (5). It seems to me that what you are really doing is just striking subsection (4) and renumbering (5) as (4)."

Senator Gissberg: "I think you are one hundred percent correct."

Senator Holman: "So why don't you just strike subsection (4)?"

#### MOTION

On motion of Senator Gissberg, the rules were suspended and the following correction made on the amendment to page 16, section 18, line 11: "Strike all of subsection (4) and renumber the remaining subsection consecutively."

#### POINT OF INQUIRY

Senator Ridder: "Would Senator Gissberg yield? Senator, I am just noticing here in subsection (4), 'non-competitive covenants'. Now I am not a lawyer but does not this extend to the advantage one has for marketing a certain product with a certain name on it, and that the non-competitive covenant would be worth something? In this case, if you struck subsection (4), there is no provision here for the worth of a name, such as a trade name. It seems to me that you would be striking something that is worth quite a bit in the losing of a franchise."

Senator Gissberg: "We have provided up above for what is felt would be reasonable for the compensation of the franchisee in the event of cancellation."

#### POINT OF INQUIRY

Senator Sandison: "Would Senator Gissberg yield? Senator, you can probably straighten this out. We speak on this amendment that you have offered to inventory. What about the situation where two things would enter into it. Number one, they build a building that is unique and usable only for the purveyance of that particular franchise and, number two, where they have to buy equipment that is usable only for that particular franchise? Would that come under this section? You spoke only of inventory."

Senator Gissberg: "That question goes beyond the scope of these amendments. You might ask the sponsor of the bill that question, Senator. But nowhere do these amendments treat the building or lease type of thing that you just talked about."

Senator Sandison: "Now my question is whether your amendment dealt with that?"

Senator Gissberg: "No, it does not."

#### POINT OF INQUIRY

Senator Guess: "Senator Gissberg, On page 5, line 25 it excludes any motor vehicle dealer franchise subject to the provisions of RCW 46.70. Now I am wondering about the farm machinery dealers who are in my area and they operate John Deere and other franchise dealerships similar to that and I wonder, are they going to be exempt in this and what is going to be their status under the bill?"

Senator Gissberg: "It may very well be that they are subject to the provisions if they are in the franchising business as such, and otherwise are not excluded by the provisions of it. There are substantial exclusions from the bill for those who are engaged in franchises if their business is large enough to warrant it. There is, we call it a General Motors kind of a franchise but you look on page 3, beginning on line 12. Those would be excluded from registration under the terms of the act. Now bear in mind all this act is a registration requirement with Mr. Loncot's department, and requires a disclosure. This is all."

Senator Guess: "Does it require a payment of any fee?"

Senator Gissberg: "It could very well be that they would be covered."

Senator Guess: "Do you think that it would be possible to add a provision, a subparagraph 6 after 5 and say that farm machinery dealers subject to the provisions of whatever particular RCW are excluded also?"

Senator Gissberg: "I think it would be very possible if the sponsors of the bill agreed to



it but I, as I say, do not have any great pride of authorship in the entire thing but we could take that up, however, after we consider these amendments.”

On motion of Senator Gissberg, the following amendment was adopted:

On page 19, section 28, line 29, following “Sec. 28.” strike all of the material to and including the period on page 20, line 6, and insert the following:

“The provisions of this act shall be applicable to all franchises and contracts existing between franchisors and franchisees and to all future franchises and contracts.”

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

On page 17, beginning on line 17, strike all the matter down to and including “PROVIDED, That the” on line 19 and insert: “NEW SECTION, Sec. 20. The”

On page 17, line 26, strike “AND” and on line 27, strike “FURTHER”

#### MOTIONS

On motion of Senator Gissberg, Senate Bill No. 755, as amended, was ordered placed immediately following consideration of Senate Bill No. 382 on today's second reading calendar.

At 3:50 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Wednesday, April 21, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-FIRST DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, April 21, 1971.

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 Odegaard, Peterson (Lowell) and Washington. On motion of Senator Keefe, Senators Peterson (Lowell) and Washington were excused. On motion of Senator Fleming, Senator Odegaard was excused.

The Color Guard, consisting of Pages Betsy Greene, Color Bearer, and Rick Lenington, presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered prayer as follows:

“Our Father, we in this place are weighed down by the problems of our State and the communities which we represent. Convict us of our share of personal responsibility for the situations in which we find ourselves, and help us to confess our part in creating our dilemmas, lest we feel no obligation to help solve them. And so we pray, O God, that you will help us to quit waiting for the other fellow to change his attitude and his ways, lest we never give Thee the chance for which Thou has been waiting, to change us. This we ask in the name of Him who came to change us all, even Jesus Christ Our Lord. Amen.”

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

## REPORTS OF STANDING COMMITTEES

April 20, 1971.

SENATE BILL NO. 436, placing juvenile drivers under the jurisdiction of any court for certain minor traffic violations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

SENATE BILL NO. 470, providing interpreters for those unable to communicate in the English language (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 470 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

SENATE BILL NO. 474, providing a change in the time limit on certain defenses to insurance contracts (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gissberg, Knoblauch, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 7, 1971.

SENATE BILL NO. 494, providing for the regulation of naturopaths (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: That Substitute Senate Bill No. 494 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Holman, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

SENATE BILL NO. 724, implementing laws relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Newschwander, Odegaard, Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

SENATE BILL NO. 796, enacting a "collection agency act" (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 796 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 6, 1971.

SENATE BILL NO. 899, construing forest products as farm products for certain motor vehicle licensing purposes (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Donohue, Elicker, Guess, Huntley, Jolly, Knoblauch, Lewis, McDougall, Matson, Murray, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

SENATE CONCURRENT RESOLUTION NO. 7, providing for a study of what constitutes "ample provision for education" by legislative budget committee and recommended measures to assure such financing (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

HOUSE BILL NO. 218, authorizing regional law libraries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED HOUSE BILL NO. 305, amending the law relating to child abuse (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Durkan, Foley, Francis, Greive, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

HOUSE BILL NO. 312, changing the composition of the youth development and conservation committee and removing re-enrollment limitations for youths (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass.

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Mardesich, Murray, Scott.

Passed to Committee on Rules and Joint Rules for second reading.

April 12, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 314, creating lien against time loss compensation to recipient of public assistance (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Twigg.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

ENGROSSED HOUSE BILL NO. 346, implementing leave provisions for school district employees (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

April 19, 1971.

ENGROSSED HOUSE BILL NO. 411, increasing fees payable to state pharmacy board (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Holman, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 19, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 440, regulating certain activities of political parties (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Cooney, Donohue, Greive, Mardesich, Metcalf, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

ENGROSSED HOUSE BILL NO. 643, altering certain judicial districts of the superior courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Holman, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 772, requiring permits for certain fires to control air pollution (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED HOUSE BILL NO. 853, repealing prohibition on sale of contraceptives (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe.

Passed to Committee on Rules and Joint Rules for second reading.

#### LETTERS OF INFORMATION

April 20, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

ENGROSSED HOUSE BILL NO. 881: Providing for the method of assessment of livestock.

ENGROSSED HOUSE BILL NO. 56: Providing certain changes in the tax on motor vehicle fuel.

ENGROSSED HOUSE BILL NO. 888: Pertaining to application of business and occupation taxes to nuclear fuel assemblies.

ENGROSSED HOUSE BILL NO. 112: Providing for the taxation and regulation of campers.

HOUSE BILL NO. 486: Pertaining to motor vehicle excise tax distributions.

Sincerely,  
HUBERT F. DONOHUE.  
Chairman, Revenue and Taxation Committee.

April 21, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bill has been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

SENATE BILL NO. 650: Clarifying local sales and use tax.

Sincerely,  
HUBERT F. DONOHUE.  
Chairman, Revenue and Taxation Committee.

MESSAGES FROM THE HOUSE

April 20, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 415, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 20, 1971.

Mr. President: The Speaker has signed:  
SENATE JOINT MEMORIAL NO. 17,  
SENATE CONCURRENT RESOLUTION NO. 2,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 20, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 363, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 20, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 39, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 20, 1971.

Mr. President: The House has passed:  
SENATE BILL NO. 126,  
ENGROSSED SENATE BILL NO. 137,  
ENGROSSED SENATE BILL NO. 203,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 18, by Senator Metcalf:  
Calling for a convention to amend the Constitution of the United States.  
Referred to the Committee on Constitution, Elections and Legislative Processes.

SENATE JOINT MEMORIAL NO. 19, by Senators Stortini and McDougall:  
Requesting additional funds for the employment supplement program.  
On motion of Senator Stortini, the rules were suspended, Senate Joint Memorial No. 19 was advanced to second reading and read the second time in full.

POINT OF INQUIRY

Senator Mardesich: "Will Senator Stortini and/or McDougall yield to a question? Senator, would you object to an additional 'Now, therefore' being added to this bill which would provide for an additional thirteen weeks extended benefits under the unemployment compensation law?"

Senator Stortini: "Yes, I would object. This program here that you received a copy of was placed on your desk by Maxine Daly, the commissioner of the department of employment security, on Monday and the program actually has not only exhausted its funds but in many areas of the five counties mentioned it has terminated. For example, in my district with one agency that I talked to yesterday, seventeen jobs were terminated last weekend. I would like to see this memorial passed through, sent to Congress urging them to continue what allocation can be sent to this state as immediately as possible. I just wonder whether or not it would deter the chances by extending unemployment compensation indefinitely according to the unemployment problem within your state itself?"

On motion of Senator Stortini, the rules were suspended, Senate Joint Memorial No. 19 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. 19, and the memorial passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess,

Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson—42.

Absent or not voting: Senators Gissberg, McCutcheon, Murray, Woodfall—4.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

SENATE JOINT MEMORIAL NO. 19, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 39, by Representatives Smythe, Thompson, North, Haussler and Marsh:

Providing for advisory committee to study alternative statutory optional model county charters.

Referred to Committee on Cities, Towns and Counties.

Senator Stender moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-49

By Senators Stender and Talley:

WHEREAS, Public safety and industrial safety are very important to the well being of our citizens; and

WHEREAS, The Department of Labor and Industries, through its Division of Building and Construction Safety Inspection Services, has the responsibility of assuring safety in the area of pressure vessel construction and the use of such vessels; and

WHEREAS, The new methods and advanced technology have developed very high pressure systems fired by conventional, as well as nuclear, fuels; and

WHEREAS, The Washington State pressure vessel construction and inspection codes have not been revised for a great many years;

NOW, THEREFORE BE IT RESOLVED, By the Senate, that the Legislative Council make a comprehensive study of all aspects of the field of pressure vessel construction, maintenance, and inspection.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next session of the Legislature.

Senator Bailey moved adoption of the following amendment to the resolution:

On page 1, line 15 of the resolution, prior to "BE IT FURTHER RESOLVED" insert the following: "That it review the ridiculous practice of inspections of ordinary hot water tanks as well as the present practice of charging exorbitant fees for inspecting the same, as now practiced by the department of labor and industries"

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Stender yield? Senator, you referred to a pressure vessel. Are you referring to boilers in vessels or actually is a tank in your description a vessel?"

Senator Stender: "All pressure vessels is kind of a broad area. There are fired vessels, unfired vessels. They all get their rating through a code known as the ASME code that is a national code that covers construction of pressure vessels and actually they all come together under some of the technology that we have. I do not know whether I follow your question, Senator?"

Senator Peterson (Ted): "What is your definition of vessel then?"

Senator Stender: "A pressure vessel is something that contains something under pressure and I do not know what more I could say."

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

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

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

#### MESSAGE FROM THE HOUSE

April 20, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 419 with the following amendments:

On page 2, section 3, line 14 of the engrossed and printed bill after "Applicants must be" strike "resident students of the state" and insert "Washington resident students"

On page 2, line 18 of the engrossed and printed bill after section 3 add a new section to read as follows:

"NEW SECTION. Sec. 4. No aid shall be awarded to any student who is pursuing a degree in theology."

Renumber the remaining section accordingly, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Sandison, the Senate concurred in the House amendments to Engrossed Senate Bill No. 419.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 8; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Ridder, Sandison, Scott, Stortini, Twigg, Whetzel, Wilson, Woodall-36.

Voting nay: Senators Atwood, Canfield, Henry, Huntley, Peterson (Ted), Stender, Talley, Walgren-8.

Absent or not voting: Senators Bailey, McCutcheon-2.

Excused: Senators Odegaard, Peterson (Lowell), Washington-3.

ENGROSSED SENATE BILL NO. 419, 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 16, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 469 with the following amendments:

In line 5 of the title, after "chapter" strike "71, Laws of 1967 ex. sess." and insert "21, Laws of 1971"

On page 12, section 17, line 33 of the printed bill, being page 13, section 17, line 5 of the engrossed bill, after "chapter" and before "and" strike "71, Laws of 1967 ex. sess." and insert "21, Laws of 1971"

On page 13, section 17, line 7 of the printed bill, being page 13, section 17, line 12 of the engrossed bill, after "82.03.190." and before "All" at the beginning of the next line insert the following:

"The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of motor vehicles."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Holman, the Senate concurred in the House amendments to Engrossed Senate Bill No. 469.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 469, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess,

Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Fleming, McCutcheon—2.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

ENGROSSED SENATE BILL NO. 469, 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 16, 1971.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 5 with the following amendment:

On page 2, line 1 after "education," strike the balance of the paragraph and insert "office of program planning and fiscal management, and the joint committee on higher education, shall conduct a further fiscal examination of community college costs, both operational and capital; and", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 5.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 5, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators McCutcheon, Matson—2.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

SENATE CONCURRENT RESOLUTION NO. 5, as amended by the House, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Bailey, Senate Bill No. 781 was ordered placed on the second reading calendar for today immediately following consideration of Senate Bill No. 139.

#### SECOND READING

SENATE BILL NO. 382, by Senators Greive, Talley, Twigg, Mardesich and Clarke: Amending regulation of real estate brokers and salesmen.

The Senate resumed consideration of Senate Bill No. 382 on second reading, and the pending amendment by Senator Talley, to the committee amendment, as proposed on April 16, 1971.

On motion of Senator Greive, there being no objection, the amendment by Senator Talley was withdrawn.

On motion of Senator Greive, the following amendment to the committee amendment proposed on April 16, 1971 was adopted:



On page 1, section 1, line 19 of the Senate Committee Amendment, after "That" strike all the material down to and including "state" on line 22 and insert "an attorney while admitted and entitled to practice law in this state shall be qualified, without examination, for license as a real estate broker upon application and payment of the requisite license fee".

On motion of Senator Talley, the following amendment to the committee amendment was adopted on a rising vote:

On page 5, section 8, line 25 of the Senate Committee Amendment, after "birthday" and before the period insert "and has a high school diploma or its equivalent"

On motion of Senator Talley, the following amendment to the committee amendment was adopted.

On page 6, section 9, line 22, after "older" insert "and has a high school diploma or its equivalent"

On motion of Senator Guess, the following amendment to the committee amendment was adopted:

On page 7, section 10, line 7, after "chapter" insert "PROVIDED, That nothing herein shall authorize the director to withhold a broker's license from any otherwise qualified person who operates his business out of his residence"

On motion of Senator Greive, the following amendments to the committee amendment were adopted:

On page 19, section 23, line 8, after the period, restore the stricken material down to and including "[giving a]" on line 12 and strike the underscored material beginning with "Any" on line 12, down to and including "give a" on line 18.

Beginning on page 19, after "decision." on line 24, strike all material down to and including "cases." on page 20, line 15 and insert the following:

"Sec. 24. Section 17, chapter 222, Laws of 1951 as last amended by section 62, chapter 81, Laws of 1971 and RCW 18.85.290 are each amended to read as follows:

[The superior court to which the appeal is taken shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.]

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

[An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court or the court of appeals shall be limited to a review of the proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state.] *An aggrieved party may secure review of a final judgment of the superior court under this 1971 amendatory act by appeal therefrom. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.*"

On motion of Senator Greive, the committee amendment, as amended, was adopted.

On motion of Senator Greive, the following amendment to the title was adopted:

On page 2, line 8 of the title, after "1951 as" and before "and" strike "amended by section 46, chapter 52, Laws of 1957" and insert "last amended by section 62, chapter 81, Laws of 1971"

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 382 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 Peterson (Ted): "Mr. President, would Senator Greive yield? I was off the floor and I noticed this one amendment you have which would allow an attorney to go right in and apply for a broker's license. You mean that this is acceptable with the real estate board? You would not have to take the real estate salesman's license? You would directly go into a broker's license?"

Senator Greive: "Let me explain again. The legal profession and the real estate profession are two professions. The bar association will not let a man be both a real estate man and a lawyer in the sense that he can advertise. In other words, if you are going to have a law office, it is a law office. If you start advertising real estate you would have some trouble. However, there are a number of lawyers who may really want to be real estate men and to practice a little law on the side. Even some of the judges can have some small practice on the side so this would permit a man to have some practice in the law business and still be in the real estate business. Then the question comes, how does he get into the business? The

theory being that when you become a doctor you are also presumed to know everything that a nurse would know and presumed to be qualified to be a physical therapist because you have all of the training for any of those included in your business.

"The same would be for a lawyer. But it says that if you are going to practice real estate, you are subject in every way to the real estate regulations and the real estate responsibilities. In other words, you have to pay the license fee like anyone else, you have all of the other requirements that they have, you have to account in the way that they set up because as a lawyer you may not have any standard accounting procedure but the real estate commission does provide some. You have the responsibility of adhering to all their rules and regulations and being subject to their discipline so they could even discipline the lawyer and put him right out of the real estate business if he was not doing the right thing. It is sort of a happy compromise. The only thing he gets out of, he does not have to take the examination. But as Senator Woodall pointed out previously, he is subject to a malpractice suit where the real estate man would not be."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 382, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—40.

Voting nay: Senators Durkan, Fleming, Francis, Scott—4.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

ENGROSSED SENATE BILL NO. 382, having received the 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. 755, by Senators Woodall, Sandison, Ridder and Scott (by Attorney General request):

Enacting the "Franchise Investment Protection Act."

The Senate resumed consideration of Senate Bill No. 755, having been previously considered and amended, on April 16, 1971.

On motion of Senator Woodall, the rules were suspended, Engrossed Senate Bill No. 755 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. 755, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Donohue, McCutcheon, Mardesich—3.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

ENGROSSED SENATE BILL NO. 755, having received the 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. 756, by Senator Talley:

Authorizing the inclusion of employees of any state association of cities and towns in the state-wide city employees' retirement system.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Senate Bill No. 756 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. 756, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Andersen, Durkan, Lewis, McCutcheon—4.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

SENATE BILL NO. 756, having received the 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. 332, by Senators Talley, Sandison and Henry:  
Defining crime of dog and/or cat theft and creating penalties.

REPORT OF STANDING COMMITTEE

April 6, 1971.

SENATE BILL NO. 332, defining crime of dog and/or cat theft and creating penalties (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, beginning on line 7, strike the remainder of the bill and insert "Any person who, with intent to deprive or defraud the owner thereof:

(1) Takes, leads away, confines, secretes or converts any cat or dog; or

(2) Conceals the identity of any cat or dog or its owner by obscuring or removing from the cat or dog any collar, tag, license, tattoo or other identifying device or mark; or

(3) Kills or injures any cat or dog, unless excused by law, shall be guilty of 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 both such fine and imprisonment."

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

Senator Gissberg moved adoption of the committee amendment.

On motion of Senator Woodall, the following amendment to the committee amendment was adopted:

On page 1, line 10 of the amendment, after "of a" and before "misdemeanor" strike "gross"

On motion of Senator Gissberg, the following amendment to the committee amendment was adopted:

On page 1, line 10 of the amendment, after "misdemeanor" insert a period and strike the rest of the amendment.

POINT OF INQUIRY

Senator Canfield: "I would like to ask Senator Gissberg a question, if I may. It says, 'any person who with intent to deprive the owner thereof'. Now in our community we have a dogcatcher—they used to call them dogcatchers, I think they call them animal control officers now. Does this animal control officer, alias the dogcatcher, intend to deprive the

owner thereof, if he catches these dogs that are running around and he impounds them? Now is he guilty of a misdemeanor?"

Senator Gissberg: "No, I would not think so. I take it that you are talking about some official under a county or city ordinance which is otherwise authorized under the general law of the state that is typical of the authority granted to counties and cities, that section on dogs at least. I do not think that this would be construed to interfere with the power of the city to regulate those dogs running at large. That is my curbstone opinion at least."

Senator Canfield: "I hope you will excuse my legal ignorance but I thought that a special law took precedence over a general law."

Senator Gissberg: "You have asked me for my opinion and my opinion is that this act would in no way interfere with the power of an official of a city or a county who is acting pursuant to ordinance or resolution otherwise authorized by a general state statute in the same fashion that a police officer, of course, can take somebody against his will although we have criminal statutes that prohibit that to be done and we pass them every day but still the police officer is certainly not guilty of a crime by taking somebody against his will."

Senator Canfield: "May I ask you a second question then? In our community we have a leash law which requires that dogs be kept under leash or confined to keep them from running over neighbor's property. Now, if a dog would go on your property and you would just catch that dog and put it in a coop so that the owner could come and retrieve the same, would you be depriving the owner thereof while you confined it and would you be guilty of a misdemeanor?"

Senator Gissberg: "I do not think so. I do not think you would have the requisite intent to deprive or defraud the owner. All of those prohibited acts of conduct are prefaced, as you will see with the admonition that any person who, with intent to deprive or defraud the owner. I do not think under the factual situation you give me that you would have the requisite intent to sustain a conviction of misdemeanor, although Judge Woodall would probably be able to answer that better because he is an expert in that particular court of jurisdiction."

The committee amendment, as amended, was adopted.

#### POINT OF INQUIRY

Senator Metcalf: "Before we advance the bill, I have a question I would like to ask Senator Talley. Perhaps it has been taken care of by the amendment but I am not sure and I want to relate a case and get an answer.

"A neighbor who lives down the street has a female cat that is quite prolific and about every spring it brings forth a litter of kittens and he waits until—and I am not commenting on whether or not he should be doing this—but he takes the kittens and he puts them in a bag with a rock when he goes on a fishing trip. When he gets in about forty fathoms off Mukilteo he sets it overside. Now that is taking the life of a cat or kitten and how does he stand in relation to this bill?"

Senator Talley: "Senator Metcalf, I would think you would be happy. He could put it on your yard and then you might be in charge of them. I do not think it would apply to that at all. It is not the intent of the bill. If you drowned those kittens you would not be depriving any owner of those kittens. He certainly has the ownership of those kittens."

Senator Metcalf: "The caucus digest says, 'makes it a gross misdemeanor' and we have taken care of that now; 'makes it a misdemeanor to kill or injure a dog or cat unless excused by law'."

Senator Talley: "If it belonged to some other person."

Senator Canfield: "Will Senator Talley yield to a further question? I have heard, Senator Talley, of people being converted but what does it mean here if you convert a dog or a cat?"

Senator Talley: "I think from a legal term, I hear and listen to these lawyers, it means to steal."

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 332 was advanced to third reading, the second 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. 332, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Dore, Fleming—2.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senators Odegaard, Peterson (Lowell), Washington—3.

ENGROSSED SENATE BILL NO. 332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 2:10 p.m.

#### AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:10 p.m.

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

#### MESSAGE FROM THE HOUSE

April 19, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 261 with the following amendments:

On page 2, section 1, line 21 beginning with "It" strike everything to and including "performed." on line 26

On page 2, section 1, line 29 of the printed and engrossed bill, after "him" strike "forthwith" and insert "at the end of the established pay period"

On page 3, section 1, beginning on line 16 of the engrossed bill, being page 2, line 33 of the printed bill, strike all of subsection (2) and insert the following "(2) Specifically agreed upon orally or in writing by the employee and employer; or"

On page 3, section 1, line 25 of the engrossed bill, being line 9 of the printed bill, after "collect" strike everything through "wages,"

On page 4, section 3, line 33 of the printed bill and page 5, section 3, line 16 of the engrossed bill strike "admittedly owing" and insert "admitted by the employer to be owing",

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Stender, the Senate concurred in the House amendments to Engrossed Senate Bill No. 261.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 261, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Greive, Murray—3.

Excused: Senators Peterson (Lowell), Washington—2.

ENGROSSED SENATE BILL NO. 261, 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.

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 12, by Senators Francis, Gardner, Ridder, Metcalf, Holman, Scott and Odegaard:  
Providing for a study of ecology curricula.

## REPORT OF STANDING COMMITTEE

April 8, 1971.

SENATE CONCURRENT RESOLUTION NO. 12, providing for a study of ecology curricula (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 22, after "Earth" and before the period insert ", with the goal that every student in the public school system of the State of Washington shall have the opportunity to develop an understanding of basic ecological principles, within the setting of the public schools"

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Murray, Peterson (Ted), Ridder, Stender.

The resolution was read the second time in full.

On motion of Senator Francis, the committee amendment was adopted.

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

On page 1, line 4, strike "come to" and insert "better"

On page 1, line 8, after "health" and before "the quality" strike "the quality of civilization lies in" and insert "and the quality of civilization are directly related to"

On page 1, line 10, strike all of line 10 and insert "WHEREAS, All of our children will have to meet the problems of"

On page 1, beginning on line 13, strike "and WHEREAS, All of our children will have to meet these problems;"

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

On page 1, line 17, after "with" strike "the Division of Environmental Education and the Department of Ecology" and insert "any existing public and/or private agencies and advisory committees deemed appropriate by said superintendent"

On page 2, line 4, strike "Division of Environmental Education, Department of Ecology"

On motion of Senator Francis, the rules were suspended, Engrossed Senate Concurrent Resolution No. 12 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 12, and the resolution passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senator Murray-1.

Excused: Senators Peterson (Lowell), Washington-2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 12, having received the constitutional majority, was declared passed.

## APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence within the bar of the Senate of Leroy Hittle and Dr. Charles McCann and appointed a special committee consisting of Senators Atwood, Bailey, Lewis and Sandison to escort the guests to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Leroy Hittle and Dr.

Charles McCann to be introduced in the Senate. Leroy Hittle, representing the trustees of the Ward Bowden Scholarship Fund, presented a check in the amount of three thousand dollars to Dr. McCann, President of The Evergreen State College. Dr. McCann accepted the gift in behalf of the college. Mrs. Ward Bowden was also introduced to the members of the Senate.

The guests were escorted from the Senate Chamber.

MOTION

On motion of Senator McDougall, Senate Bill No. 635 was ordered placed at the beginning of the second reading calendar for Thursday, April 22, 1971.

SECOND READING

SENATE BILL NO. 530, by Senators Ridder, Odegaard, Canfield and Jolly (by Superintendent of Public Instruction request):

Defining certain terms relating to vocational education.

REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 530, defining certain terms relating to vocational education (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 2, line 11, strike all of subsection (4) and renumber the remaining subsections consecutively.

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 530 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. 530, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Atwood, Lewis—2.

Absent or not voting: Senators Andersen, Durkan, Murray—3.

Excused: Senators Peterson (Lowell), Washington—2.

ENGROSSED SENATE BILL NO. 530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Elicker, Senator Murray was excused.

SENATE BILL NO. 539, by Senators Ridder, Odegaard and Canfield (by Superintendent of Public Instruction request):

Mandating state board of education to implement by rule or regulation vocational education programs in school districts.

#### REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 539, mandating state board of education to implement by rule or regulation vocational educational programs in school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, beginning on line 10, strike all of the underlined material and insert "*in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs, including those authorized by RCW 28A.58.245 and RCW 28B.50.770*"

Signed by: Senators Francis, Chairman; Gardner, Metcalf, Odegaard, Peterson (Ted), Ridder, Washington.

The bill was read the second time by sections.

Senator Ridder moved adoption of the committee amendment.

On motion of Senator Ridder, the following amendment to the committee amendment was adopted:

On line 4 of the Senate Committee amendment after "such programs" strike the remainder of the amendment and insert "and shall also adopt rules and regulations for such programs authorized by RCW 28A.58.245 and RCW 28B.59.770."

The motion by Senator Ridder carried and the committee amendment, as amended, was adopted.

#### POINT OF INQUIRY

Senator Bailey: "I would like to ask Senator Sandison or Senator Ridder a question before this bill is advanced. Senator Ridder, is there anything in this bill that would mandate the state board to adopt rules and regulations? Is there anything in this bill that would mandate the state board to mandate a small school district so they must have vocational education at a terrific expense to the local district and with no recourse except to the state board?"

Senator Ridder: "This is not at all the intent of this bill. The intent of the bill is to allow them to set some rules and regulations that now two facets of our vocational education are completely without."

Senator Bailey: "Senator Ridder, is there any intent to use this as a means of twisting curricula requirements around as imposed by the board to the local school district such as they do many times on music appreciation and other junk such as that?"

Senator Ridder: "No, this is not the intent either."

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 539 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. 539, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall-42.

Voting nay: Senator Lewis-1.

Absent or not voting: Senators Atwood, Fleming, McCutcheon-3.

Excused: Senators Murray, Peterson (Lowell), Washington-3.

ENGROSSED SENATE BILL NO. 539, having received the 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. 658, by Senator Mardesich:  
 Providing that manufacturers of retail goods be identified.

REPORT OF STANDING COMMITTEE

April 7, 1971.

SENATE BILL NO. 658, providing that manufacturers of retail goods be identified (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

Strike all the matter following the enacting clause and insert the following:

"NEW SECTION. Section 1. It shall be unlawful and a misdemeanor for any retailer in this state to sell or offer to sell any manufactured sound or audio recording or tape or any video recording or tape unless such recording or tape bears the actual name and address of the manufacturer on its face or package. Each and every sale of such recording or tape which does not bear the actual name and address of the manufacturer shall constitute a separate violation of this act.

NEW SECTION. Sec. 2. Each and every violation of section 1 of this act shall constitute a separate offense and be subject to a fine not to exceed one hundred dollars."

In line 1 of the title after the semicolon following "sales" strike the remainder of the title and insert "providing for the identification of the manufacturer of certain recordings and tapes; providing penalties; and creating new sections."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Peterson (Lowell), Stortini, Twigg, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 658 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. 658, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Day, McCutcheon—2.

Excused: Senators Murray, Peterson (Lowell), Washington—3.

ENGROSSED SENATE BILL NO. 658, having received the constitutional 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 Greive, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Friday, April 23, 1971.

SENATE BILL NO. 735, by Senators Knoblauch, Twigg and McDougall:  
 Pertaining to junkyards adjacent to highways.

REPORT OF STANDING COMMITTEE

April 20, 1971.

SENATE BILL NO. 735, pertaining to junkyards adjacent to highways (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, section 4, line 14, after "junkyard," strike the remainder of the section and insert "the highway commission shall acquire by purchase, gift or condemnation an interest in the real property used for junkyard purposes which is visible from the main traveled way of such highway, restricting any owner of the remaining interest to use of such real estate for purposes other than a junkyard. In addition to compensation for such real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated and maintained. This section shall be interpreted as in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendment was adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 735 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 Whetzel: "Will Senator Mardesich yield? The bill provides that the highway commission is going to acquire the interest in the real property for the junkyard and the materials thereon. Is this going to come out of the general fund or motor vehicle fund?"

Senator Mardesich: "I would assume that it would come out of the motor vehicle fund. At least that was the intention of the committee. There was no thought that it would come from anywhere other than that."

Senator Henry: "I think that is covered, Senator Mardesich, under the Highway Beautification Act of 1965."

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 735 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. 735, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall-42.

Voting nay: Senator Whetzel-1.

Absent or not voting: Senators Day, Francis, McCutcheon-3.

Excused: Senators Murray, Peterson (Lowell), Washington-3.

ENGROSSED SENATE BILL NO. 735, having received the 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. 139, by Senators Mardesich, Walgren and Whetzel (by Legislative Council request):

Providing for county planning of sewer and water facilities.

#### MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 139 was substituted for

Senate Bill No. 139, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Whetzel, the following amendment was adopted:

On page 6, section 7, line 18, strike "*from the time of*" and insert "*after*", and on line 24, strike "*counties*" and insert "*county*"

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute Senate Bill No. 139 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. 139, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Day, Durkan, Foley, Gissberg, McCutcheon—5.

Excused: Senators Murray, Peterson (Lowell), Washington—3.

ENGROSSED SUBSTITUTE SENATE 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

At 3:15 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, April 22, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SECOND DAY

### MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, April 22, 1971.

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 Peterson (Lowell). On motion of Senator Keefe, Senator Peterson (Lowell) was excused.

The Color Guard, consisting of Pages Jeffrey Hamilton, Color Bearer, and Tina Herbst, presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered prayer as follows:

"In prayer we come to Thee just now, O God, knowing that You have been here with us continuously, even when we have not recognized Thy presence. We come asking Thy special blessing upon these Senators as they think together and work together in this Chamber, in committee rooms and in their offices. Help them to stand up under the strains and tensions of problems and decisions, of meetings and conferences, and the endless demands placed upon them by constituents and pressure groups. Teach us how to have faith in Thee and to turn to Thee for guidance and for grace. Look with pity upon our human frailties and deliver us from pitying ourselves, through Jesus Christ our Lord. Amen."

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

### REPORTS OF STANDING COMMITTEES

April 21, 1971.

SENATE BILL NO. 324, providing for a population study council (reported by Committee on Rules and Joint Rules):

Which recommends that the bill be referred to Committee on Ways and Means—Appropriations.

Signed by: Senators Andersen, Atwood, Bailey, Cooney, Foley, Greive, Guess, Henry, Herr, Keefe, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall.

There being no objection, Senate Bill No. 324 was referred to the Committee on Ways and Means—Appropriations.

April 13, 1971.

SENATE BILL NO. 700, enacting the Economic Development Act of 1971 (reported by Committee on Manufacturing and Industrial Development):

MAJORITY recommendation: That Substitute Senate Bill No. 700 be substituted therefor, and that the substitute bill do pass.

Signed by: Senators Gardner, Chairman; Henry, Murray, Twigg, Washington, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED HOUSE BILL NO. 213, pertaining to payment of inheritance taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Andersen, Atwood, Bailey, Canfield, Connor, Dore, Foley, Guess, Holman, Huntley, Jolly, Lewis, Metcalf, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

HOUSE BILL NO. 307, extending two mill shift for schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Canfield, Connor, Day, Donohue, Foley, Guess, Holman, Huntley, Jolly, Lewis, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED HOUSE BILL NO. 493, pertaining to assessment of leasehold estates (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Day, Foley, Guess, Holman, Huntley, Jolly, Lewis, Metcalf, Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Wilson, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGE FROM THE HOUSE

April 21, 1971.

Mr. President: The House has passed:

SENATE BILL NO. 208,

ENGROSSED SENATE BILL 564,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

April 21, 1971.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 300, relating to right of entry by department of natural resources, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Donohue, Clarke and Gissberg; Representatives Zimmerman, Smith and Haussler.

MOTION

On motion of Senator Clarke, 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 third order of business.

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 21, 1971.

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

GENTLEMEN:

I have the honor to advise that Governor Evans has today approved the following Senate Bill, entitled:

SENATE BILL NO. 394: Establishing the Washington Commission on Mexican-American Affairs.

Sincerely,

CHARLES B. WIGGINS

Legislative Counsel to the Governor.

Office of the Governor, April 21, 1971.

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

GENTLEMEN:

I have today signed Senate Bill No. 394, creating a Washington State Commission on Mexican-American Affairs. Because the bill is fraught with substantive and procedural

problems, I seriously considered vetoing it, allowing the Legislature to enact properly drafted legislation before the end of this session. On balance, however, I feel that the need for the creation of such a commission is sufficiently great to outweigh the deficiencies I see in this legislation. I would hope that the Legislature will choose to act to correct these defects by another bill.

The following modifications to the bill as adopted would appear warranted:

1. A House floor amendment raised membership on the commission from seven to eleven. Subsection (f) of subsection 1 was also added to comply with this increased membership. This amendment has created an awkwardly drafted section. It would appear that this drafting deficiency could be cured by raising the number of members provided for in subsection (b) of this section from two to six and by deleting subsection (f).
2. Subsection (2) of section 3 provides for the staggering of terms of members of the commission. Unfortunately, this subsection was not amended when the membership was raised. Therefore, provision should be made for staggering the terms of the additional members.
3. Because of the increased membership, the Legislature should also consider changing the number of members who constitute a quorum under subsection (4) of section 3.
4. I question the advisability of section 4 of this bill. The commission is given the unusual authority for an advisory committee to appoint a full-time executive secretary and a staff who shall be subject to civil service. Since the commission is not attached to any existing department or agency it may be difficult for it to relate programmatically in the areas where it is concerned. I believe it would be preferable to have staff assistance provided to the commission by a coordinating agency such as the Office of Economic Opportunity or the Planning and Community Affairs Agency.
5. Subsection (4) of section 4 permits this commission to adopt rules and regulations pursuant to the Administrative Procedures Act. I understand that it was the intent of the House to delete this authorization by floor amendment, but the engrossed bill still contains this curious reference. Rulemaking procedures are governed by the APA only when the adoption of a rule will directly affect substantial rights of the public. Since the commission is purely advisory, it would seem that the granting of rulemaking authority is particularly inappropriate in this instance. The Legislature should delete this reference by a subsequent enactment.
6. Subsection (3) of section 5 compels the establishment of an interagency advisory council on Mexican-American affairs. If each state department and agency is required to contribute the services of one staff member the council will be composed of at least 80 members. Not only would this council be unwieldy and involve agencies of state government with little to contribute directly to the solution of the problems of Mexican-Americans, it would also result in a substantial increase in the fiscal impact of the bill. I would hope that legislation could be enacted which would limit membership on this commission to those state agencies having a direct interest in or relationship to the increased involvement of Mexican-Americans in state government.

The Washington Commission on Mexican-American Affairs will be of material assistance in providing a body capable of advising and assisting in the betterment of opportunities for these citizens of our state. For this reason I have approved the bill in its present form. Because of the serious deficiencies in the effect and the implementation of this bill, however, I would urge the Legislature to reassess the bill and enact remedial legislation designed to cure the problems referred to above.

Sincerely,  
DANIEL J. EVANS  
Governor.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 126,  
SENATE BILL NO. 137,  
SENATE BILL NO. 203,  
SENATE BILL NO. 208,  
SENATE BILL NO. 261,  
SENATE BILL NO. 419,  
SENATE BILL NO. 469,  
SENATE BILL NO. 564,  
SENATE CONCURRENT RESOLUTION NO. 5,  
HOUSE BILL NO. 415.

## MESSAGE FROM THE HOUSE

April 21, 1971.

Mr. President: The House has adopted the report of the Conference Committee on REENGROSSED SENATE BILL NO. 130, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

April 21, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred REENGROSSED SENATE BILL NO. 130, authorizing parking and business improvement areas and special assessments therefor, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Connor, McDougall and Talley; Representatives Curtis, Blair and Merrill.

## MOTION

On motion of Senator McDougall, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

April 20, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 37 with the following amendment:

On page 1, section 1, line 12 after "PROVIDED, *That*" and before "no" strike "*excepting when property is being acquired for public use*", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

Senator Wilson moved that the Senate do not concur in the House amendment to Engrossed Senate Bill No. 37 and that the House be asked to recede therefrom.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Wilson yield? Senator, let us take the opposite of the example you used where the highway department takes the minuscule portion of the property. Let us assume that the highway department took ninety-nine percent of the property. Would we then have the situation where it would justify no requirement that the taxes be paid?"

Senator Wilson: "The justification for the amendment in that instance would be considerably mitigated because in truth, virtually the entire amount of the delinquency would have to be paid up. That is a rare instance compared to the many instances in which the department is seeking to purchase only a small portion of the tract."

Senator Mardesich: "Then I would raise the question, rather than asking the House to recede, could we arrange a conference and perhaps work something out that a pro rata part of taxes should be paid with relation, a portion of the value taken as compared to total value?"

Senator Wilson: "Yes, it would be entirely possible to arrange a conference, Senator. However, I discussed this matter in some detail with Mr. Andrews, the director of the highway department, yesterday and it was certainly his feeling that the retention of the amendment would leave no additional problems from the highway department's standpoint."

The motion by Senator Wilson carried and the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 37 and the House was asked to recede therefrom.

## MESSAGE FROM THE HOUSE

April 16, 1971.

Mr. President: The House has passed SENATE BILL NO. 125 with the following amendments:

On page 1, line 1 of the title after "programs" insert the words "and furloughs" and on line 2 after "RCW 72.65.130" insert "; creating new sections; and declaring an effective date"

On page 1, after line 12 insert:

"NEW SECTION. Sec. 2. As used in this act the following terms shall have the following meanings:

"Department" means the department of social and health services.

"Secretary" means the secretary of the department of social and health services, or his designee.

NEW SECTION. Sec. 3. The secretary is authorized to grant furloughs to persons convicted of a felony and serving a sentence for a term of confinement in a state correctional institution, except those persons who are serving mandatory minimum terms of confinement as now or hereafter provided by law. Any furlough granted by the secretary shall authorize the release of the convicted person from confinement by the superintendent of a state correctional institution and may require the supervision of the prisoner by a state probation and parole officer at a place designated in the order of furlough within this state for a period not to exceed thirty days under such terms and conditions as the secretary may deem appropriate: PROVIDED, That no more than sixty days of furlough shall be granted in any one year.

NEW SECTION. Sec. 4. Any prisoner eligible to be granted a furlough by the secretary may make application to the superintendent of the state correctional institution of confinement upon forms supplied by the department. The application shall set forth the place of proposed residence of the applicant and the names of the persons with whom the applicant will be residing and the relationship to the applicant; a proposed plan or program to be followed during the period of furlough and the reasons why the applicant believes such plan or program will be of aid in his rehabilitation and enhance his prospects for a successful parole if granted by the board of prison terms and paroles. The application shall also include a statement to be executed by such prisoner that if his application be approved and he is granted a furlough, he agrees to abide by all terms and conditions of the furlough plan adopted for him. The application shall also contain such other information as the secretary may require. The superintendent of the state correctional institution to whom application has been made by a prisoner for a furlough shall review the prisoner's conduct, attitude and behavior within all of the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material and shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust if granted a furlough by the secretary. After having made such determination, the superintendent, in his discretion, may, subject to the concurrence of the secretary, deny the prisoner's application for a furlough or recommend to the secretary that the prisoner be granted a furlough.

NEW SECTION. Sec. 5. The secretary, after such investigation as he may deem necessary, may approve, reject, modify, or defer action on a recommendation for furlough. In the event of approval, the secretary shall adopt a furlough plan for the prisoner, and the terms and conditions of such furlough plan shall be set forth in the order of furlough with such other terms and conditions as may be deemed necessary and proper under the circumstances. The order of furlough may grant more than one furlough at such intervals and with such conditions as may be deemed appropriate and such furloughs may be granted on the basis of a single application. The order of furlough shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions of the order of furlough.

NEW SECTION. Sec. 6. At any time after approval has been granted for a furlough to any prisoner, such approval or order of furlough may be revoked, and if the prisoner has been released on an order of furlough, he may be returned to a state correctional institution, or the plan may be modified, in the discretion of the secretary. Any prisoner whose furlough application is rejected may reapply for a furlough after such period of time has elapsed as shall be determined at the time of rejection by the superintendent or secretary, whichever person initially rejected the application for furlough, such time period being subject to modification.

NEW SECTION. Sec. 7. Any furloughed prisoner who wilfully fails to return to the designated place of confinement at the time specified in the order of furlough shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced to a term of confinement of not more than ten years. The provisions of this section shall be incorporated in every order of furlough granted by the department.

NEW SECTION. Sec. 8. The department may provide or arrange for transportation for furloughed prisoners to the designated place of residence within the state and may, in addition, supply funds not to exceed forty dollars and suitable clothing, such clothing to be returned to the institution on the expiration of furlough.

NEW SECTION. Sec. 9. The secretary may enter into agreements with any agency of the state, a county, a municipal corporation or any person, corporation or association for the purpose of implementing furlough plans, and, in addition, may make such rules and regulations in furtherance of this act as he may deem necessary.



*NEW SECTION.* Sec. 10. The secretary may issue warrants for the arrest of any prisoner granted a furlough, at the time of the revocation of such furlough, or upon the failure of the prisoner to report as designated in the order of furlough. Such arrest warrants shall authorize any law enforcement, probation and parole or peace officer of this state, or any other state where such prisoner may be located, to arrest such prisoner and to place him in physical custody pending his return to confinement in a state correctional institution. Any state probation and parole officer, if he has reasonable cause to believe that a person granted a furlough has violated a condition of his furlough, may suspend such person's furlough and arrest or cause the arrest and detention in physical custody of the furloughed prisoner, pending the determination of the secretary whether the furlough should be revoked. The probation and parole officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending such furlough. Upon the basis of the report and such other information as the secretary may obtain, he may revoke, reinstate or modify the conditions of furlough, which shall be by written order of the secretary. If the furlough is revoked, the secretary shall issue a warrant for the arrest of the furloughed prisoner and his return to a state correctional institution.

*NEW SECTION.* Sec. 11. This act shall become effective on July 1, 1971," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

Senator Odegaard moved that the Senate concur in the House amendments to Senate Bill No. 125.

Debate ensued.

#### POINT OF ORDER

Senator Andersen: "My point of order, Mr. President, is that the House amendment to Senate Bill No. 125 engrafted an entire new bill on to the old bill which I believe, as I understood the President's ruling of the other day, was beyond the scope and object and should be referred to a committee.

"Speaking in connection with the point of order, I note that this new amendment has all the evils that Senator Woodall has pointed out very fluently and at length and frequently about paper hanging and that this new bill, for example, as I read it in a rather hasty fashion would provide that the secretary of the department of social and health services could turn any, or almost anybody out of the penitentiary anytime he wanted to. I do not think that this should be done without a committee reviewing it."

Debate ensued.

#### MOTION

On motion of Senator Woodall, Senate Bill No. 125, the pending house amendment and the point of order by Senator Andersen was made a special order of business immediately following the noon recess.

#### MESSAGE FROM THE HOUSE

April 20, 1971.

Mr. President: The House refuses to recede from its amendments to SENATE BILL NO. 522 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Senate Bill No. 522 and the House amendments thereto: Representatives Spera, Pardini and Moon.

MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Gissberg, the request of the House for a conference on Senate Bill No. 522 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 522 and the amendments thereto: Senators Fleming, Woodall and Gissberg.

On motion of Senator Lewis, the Conference Committee appointments were confirmed.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 29, by Senators Walgren and Twigg:  
Establishing municipal committee as an interim committee of the legislature.  
Referred to Committee on State Government.  
On motion of Senator Durkan, the following resolution was adopted:

#### SENATE RESOLUTION: 1971-EX-50

By Senators Durkan and Atwood:

WHEREAS, The Legislative Budget Committee has been involved in the study of the deposit practices of public agencies, as directed by the 1969 resolution of the Senate of the Washington State Legislature (Senate Resolution 1969-22); and

WHEREAS, It became necessary during the course of the study to request from all commercial banks in Washington certain workload data associated with the deposit accounts of public agencies, the results of which in some cases were forwarded to the committee later than anticipated, making it impossible to record, verify, and assimilate the requested information as part of a final report to the 1971 Legislature; and

WHEREAS, The study of deposit practices to date has amassed considerable data and testimony which points to possible revision in state law which may result in a larger return to public agencies from such funds as are now resting in both active and inactive deposit accounts in commercial banks throughout the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Legislative Budget Committee be requested to continue its study of the deposit practices of public agencies in order to determine what changes in depository practices and revisions in current law relating thereto would result in larger returns to the state and other public agencies, and further that the Legislative Budget Committee shall report the findings, conclusions, and recommendations to the legislature not later than January 1, 1972.

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

#### SENATE RESOLUTION: 1971-EX-51

By Senators Metcalf, Gissberg, Mardesich and Walgren:

WHEREAS, Noting her forty-one years in the field of education, of which twenty-four were spent as the superintendent of Intermediate School District 109; and

WHEREAS, She played an instrumental role in gaining better educational and rehabilitation opportunities for handicapped children; and

WHEREAS, She has served in positions of leadership in the County Superintendents' Association, the Washington Education Association, the State School Needs Committee of the State Department of Natural Resources, the Natural Resources Forum, the Mt. Baker National Forest Advisory Council, and the Governor's Forest Area Use Council; and

WHEREAS, In addition to an outstanding career as an educator she has also held a great personal interest for the out-of-doors, having climbed every major peak in the Northwest and has hiked along two thousand miles of the Cascade Crest and related trails; and has encouraged similar interests among her students and friends; and

WHEREAS, The members of the Legislature wish to express their most sincere congratulations for such a distinguished public and personal career, and further wish to recognize her retirement on June 30th of this year;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that MRS. DOROTHY J. BENNETT be commended for her great achievements in education, aid to handicapped children, and the furtherance of interest in our natural resources; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this resolution be prepared and forwarded to Mrs. Bennett by the Secretary of the Senate of the state of Washington.

#### MOTIONS

On motion of Senator Greive, Senate Bill No. 781 was referred to the Committee on Cities, Towns and Counties.

On motion of Senator Talley, Senate Bill No. 373 was ordered to hold its place on the second reading calendar for Monday, April 26, 1971.

## SECOND READING

SENATE BILL NO. 635, by Senators McDougall, Peterson (Lowell) and Henry:  
Relating to advertising.

## MOTION

On motion of Senator McDougall, Senate Bill No. 635 was made a special order of business for 2:30 p.m. today.

HOUSE BILL NO. 270, by Representatives Barden, Spanton, Litchman and Kilbury (by Joint Committee on Governmental Cooperation request):  
Exempting agency vendors of liquor from civil service.

## REPORT OF STANDING COMMITTEE

March 24, 1971.

HOUSE BILL NO. 270, exempting agency vendors of liquor from civil service (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 1 (20), line 13, strike the period and insert "*PROVIDED, That this subsection shall apply only to liquor vendors appointed after the effective date of this 1971 amendatory act.*"

On page 3, section 1, subsection 20, line 13, after "*RCW 66.08.050*" and before the period add the following: "*PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business*"

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment to page 3, section 1 (20) was not adopted.

On motion of Senator Walgren, the committee amendment to page 3, section 1, subsection 20, line 13 was adopted.

On motion of Senator Walgren, the rules were suspended, House Bill No. 270, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Wilson: "Will Senator Walgren yield? Is there a grandfather clause in this bill with respect to the existing part-time liquor vendors?"

Senator Walgren: "They have never been covered by civil service except by virtue of a ruling of the state personnel board. Now what we have done by virtue of the amendment is to ensure that in the future and as to those persons who are covered according to the personnel board that they will continue to have the rights as far as hearings are concerned, as far as having any appeal for any hearing, and the full rights regarding their employment as far as an automatic dismissal is concerned. But they will not have various other employment benefits paid to them as they might have if they were a full time employee of the state."

Senator Wilson: "But all of the full time liquor vendors, those now holding office and those who might come into it in the future, would remain under the state civil service act?"

Senator Walgren: "Only to the extent of this bill."

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Walgren yield? Senator, do I understand then that there would be, by virtue of the adoption of the amendment, tenure and those other rights existent under civil service running to these people?"

Senator Walgren: "As to the persons who are the full time or almost full time liquor vendors for the state, yes, they would have the benefits of civil service. Those benefits under 41.06.150 regarding the benefits of any procedures for dismissal and appeals therefrom."

Senator Mardesich: "Why would we guarantee that to them when they are operating under an agency arrangement which could well and ordinarily does, put them in a much better position than a state employee with respect to income?"

Senator Walgren: "I think I might dispute your premise that they are put in a much better situation. Some of them might be but I think the majority, in the testimony that we had in the state government committee, indicated that on the contrary they had a very small margin of profit, and that they should be entitled to this type of a benefit which is very similar—not the entire benefits that a regular state employee has but certainly gives them these benefits as far as dismissal is concerned so they cannot just automatically be dismissed from their position. That is what we were concerned about."

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Walgren yield? Senator, you say that if a person is devoting full time as a vendor to the sale of liquor that he then would be protected by a grandfather clause in this bill, but what of the person that is not devoting full time and has a sport fishing line or something along with it? Does this give a license then to the liquor commission, to turn around and fire him tomorrow and hire somebody of their own political choosing?"

Senator Walgren: "Senator Bailey, as to those persons, they were never covered by the civil service law, and they were not covered under the personnel board ruling of January 9, so they would have then exactly the same status as they had prior to the personnel board ruling and I assume would be subject to removal, yes."

Senator Bailey: "Your answer then is that they have no status now under civil service."  
Senator Walgren: "That is correct."

#### MOTION

On motion of Senator Mardesich, House Bill No. 270, as amended by the Senate, was ordered placed at the end of the third reading calendar today.

#### SECOND READING

SENATE BILL NO. 368, by Senators Fleming, Ridder and Elicker (by Public Pension Commission request):

Integrating retirement plan laws for state universities and state colleges.

#### REPORT OF STANDING COMMITTEE

March 24, 1971.

SENATE BILL NO. 368, integrating retirement plan laws for state universities and state colleges (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass with the following amendment:

On page 5 strike all of section 6 and renumber the remaining sections consecutively.

Signed by: Senators Fleming, Chairman; Clarke, Day, Holman, Murray, Odegaard.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 368 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Fleming yield to a question? Senator, this bill would appear to possibly have substantial fiscal impact because it does alter the retirement system and I am wondering if a fiscal note was attached and what that note indicates."

Senator Fleming: "The only cost item in the bill would have been the one-time cost of living adjustment in section 6 and the committee struck that. That was the only cost."

Senator Mardesich: "Is there a potential fiscal impact where it authorizes retirement for age at the earliest time specified by social security? Now if they should drop the age on social security, would not that then immediately have a fiscal impact on the state as a result of this law?"

Senator Fleming: "It might be a fiscal impact in the future but not in this next biennium."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 368, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Voting nay: Senator Mardeseih-1.

Excused: Senator Peterson (Lowell)-1.

ENGROSSED SENATE BILL NO. 368, having received the constitutional 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 12:10 p.m., on motion of Senator Greive, the Senate recessed until 2:10 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:10 p.m.

## MOTION

On motion of Senator Durkan, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 925, by Senators Durkan, Atwood and Peterson (Ted):

AN ACT Relating to revenue and taxation; adding a new section to chapter 15, Laws of 1961 and to chapter 84.68 RCW; creating a new section; and declaring an emergency.

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 925 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, the rules were suspended, Senate Bill No. 925 was advanced to third reading, the second 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. 925, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardeseih, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senators Gissberg, Herr-2.

Excused: Senator Peterson (Lowell)-1.

SENATE BILL NO. 925, having received the constitutional 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 Andersen, Senate Bill No. 925 was ordered immediately transmitted to the House.

There being no objection, Senator Andersen withdrew his point of order on the scope and object of the House amendments to Senate Bill No. 125.

There being no objection, the motion by Senator Odegaard to concur in the House amendments to Senate Bill No. 125 was withdrawn.

## MOTIONS

On motion of Senator Andersen, the Senate returned to the fourth order of business.

On motion of Senator Andersen, the Senate refused to concur in the House amendments to Senate Bill No. 125, and asks the House to recede therefrom.

## SECOND READING

SENATE BILL NO. 656, by Senators Knoblauch, Lewis and Mardesich (by Insurance Commissioner request):

Amending the law on the state fire marshal.

## MOTION

On motion of Senator Mardesich, Senate Bill No. 656 was referred to the Committee on Ways and Means.

## SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 635, by Senators McDougall, Peterson (Lowell) and Henry:  
Relating to advertising.

The time having arrived, the Senate began consideration of Senate Bill No. 635.

The bill was read the second time by sections.

On motion of Senator McDougall, the following amendment by Senators McDougall, Henry and Murray was adopted:

On page 1, strike everything after the enacting clause and substitute the following:

"Section 1, Section 2, chapter 96, Laws of 1961 and RCW 47.42.020 are each amended to read as follows:

When used in this chapter the term:

- (1) "Commission" means the Washington State highway commission;
- (2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;
- (3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;
- (4) "Maintain" means to allow to exist;
- (5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;
- (6) ["Protected area" means all land adjoining or adjacent to the interstate system and within six hundred sixty feet of the edge of the right of way.]  
"Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code;
- (7) "Scenic [area] system" means [all land adjoining or adjacent to] (a) any state highway [and within 660 feet of the edge of the right of way] within any public park, federal forest area, public beach, [or] public recreation area, or national monument [and] (b) any state highway or portion thereof outside the boundaries [presently existing on March 11, 1961] of any incorporated city or town designated by the legislature as a part of the scenic [area] system, or (c) any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2 of this 1971 amendatory act [.];
- (8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway;

[(9) "State Highway" means any primary or secondary state highway.]

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (b) Transient or temporary activities;
- (c) Railroad tracks and minor sidings;
- (d) Signs;
- (e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;
- (f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after three years from the effective date of this 1971 amendment.

NEW SECTION. Sec. 2. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of section 1 of this 1971 amendatory act:

- (1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.
- (2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.
- (3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.
- (4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.
- (5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.
- (6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen.

Sec. 3. Section 3, chapter 96, Laws of 1961 and RCW 47.42.030 are each amended to read as follows:

Except as permitted under this chapter, no person shall erect or maintain a sign [within a protected area or scenic area. In case of an area which is both a protected area and a scenic area, only those signs permitted in a scenic area shall be erected or maintained] which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

Sec. 4. Section 4, chapter 96, Laws of 1961 and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that [only the following four types of signs shall be erected or maintained in a protected area] no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

- (1) Directional or other official signs or notices that are required or authorized by law;
- (2) Signs advertising the sale or lease of the property upon which they are located;
- (3) Signs advertising activities conducted on the property on which they are located;
- [3] (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located [.] : PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from the effective date of this 1971 amendatory act;

[4] (5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from the effective date of this 1971 amendatory act.

Only signs of type 1, [and] 2 and [those type] 3 [signs which advertise activities conducted on the property where the signs are located] shall be erected or maintained [in a scenic area] *within view of the scenic system.*

**NEW SECTION.** Sec. 5. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised;

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

Sec. 6. Section 6, chapter 96, Laws of 1961 and RCW 47.42.060 are each amended to read as follows:

The commission shall prescribe regulations for the erection and maintenance of signs *which are visible from the main traveled way of the interstate system and the scenic system and which are permitted by this chapter [within protected areas and scenic areas], and other regulations for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation.* Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

**NEW SECTION.** Sec. 7. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of Signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members. PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of Signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.



(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

**NEW SECTION.** Sec. 8. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Signs lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in section 7 of this 1971 amendatory act may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs.

**NEW SECTION.** Sec. 9. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

Notwithstanding any other provision of chapter 47.42 RCW, the commission shall adopt regulations permitting the erection and maintenance of signs which are more than six hundred and sixty feet from the nearest edge of the right of way and visible from the main traveled way of the interstate system, primary system, or scenic system which are designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of such signs may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

Sec. 10. Section 8, chapter 96, Laws of 1961 and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or regulations promulgated hereunder *and which is designed to be viewed from the interstate system or from any part of the scenic system which is not a part of the primary system* shall be a public nuisance and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the chapter or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

Sec. 11. Section 10, chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. and RCW 47.42.100 are each amended to read as follows:

(1) No sign lawfully erected in a protected area *as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof)*, prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area *as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof)*, prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate

system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system, or the scenic system which was there lawfully maintained immediately prior to the effective date of this 1971 amendatory act, but which does not comply with the provisions of chapter 47.42 RCW as amended by this 1971 amendatory act, shall be maintained by any person (a) after three years from effective date of this 1971 amendatory act, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation.

**NEW SECTION.** Sec. 12. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Just compensation shall be paid upon the removal of the following outdoor advertising signs:

(a) Those signs within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system which were lawfully in existence on October 22, 1965;

(b) Those signs lawfully within six hundred and sixty feet of the nearest edge of the right of way of any highway made a part of the interstate or primary system between October 21, 1965 and January 1, 1968; and

(c) Those signs lawfully erected within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system on or after January 1, 1968.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to the effective date of this 1971 amendatory act.

**NEW SECTION.** Sec. 13. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Compensation as required by section 12 of this 1971 amendatory act shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the commission may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the commission may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of such sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) In the event compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon the commission may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund.

**NEW SECTION.** Sec. 14. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

The commission may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The commission shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to said section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of said section 131 and sections 12, 13, and 14 of this 1971 amendatory act.

**NEW SECTION.** Sec. 15. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

No sign, display, or device shall be required to be removed if the federal share of the

just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment.

Sec. 16. Section 11, chapter 96, Laws of 1961 and RCW 47.42.110 are each amended to read as follows:

The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131 (b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

Sec. 17. Section 12, chapter 96, Laws of 1961 and RCW 47.42.120 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or [occupant] lessee of the land in question has consented thereto and shall be accompanied by a fee of ten dollars to be deposited with the state treasurer to the credit of the motor vehicle fund [in accordance with the following schedule: (1) Fifty cents per sign if advertising area does not exceed fifty square feet; (2) Two dollars per sign if advertising area exceeds fifty square feet]. Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this chapter within thirty days after written notification thereof.

Sec. 18. Section 14, chapter 96, Laws of 1961 and RCW 47.42.140 are each amended to read as follows:

The following portions of state highways are designated as a part of the scenic [areas] system: [(1) Primary state highway No. 1, or the Pacific highway, beginning at the limits of Larabee state park (north line of section 36, township 37 north, range 2 east), thence in a southerly direction to the Blanchard overcrossing (Bridge No. 1CD/104).

(2) Primary state highway No. 2, or the Sunset highway, beginning at the westerly intersection of secondary state highway No. 2D (interchange 2/626), thence in an easterly direction by way of North Bend, Snoqualmie Pass, Cle Elum, Blewett Pass to a junction with primary state highway No. 15 in the vicinity of Peshastin.

(3) Primary state highway No. 15, the Stevens Pass highway, beginning at Woods creek bridge (bridge 15/216) at the east city limits of Monroe, thence in an easterly direction by way of Stevens Pass to a junction with primary state highway No. 2 in the vicinity of Peshastin.

(4) Primary state highway No. 5, the National park highway, beginning at the Scatter creek bridge (bridge 5/303) approximately six miles east of Enumclaw, and proceeding by way of Chinook Pass to the west city limits of the town of Naches. Also beginning at the junction of secondary state highway No. 5E east of the town of South Prairie, thence in a southerly direction to the northwest entrance to Mount Rainier national park; also beginning at a junction with secondary state highway No. 5H south of Spanaway, thence in a southerly direction by way of Elbe, thence in an easterly direction to the southwest entrance to Mount Rainier national park; also beginning at a junction with primary state highway No. 5 at Cayuse junction in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5 at the Ohanapecoh junction in the vicinity west of White Pass; and also beginning at a junction with primary state highway No. 5 at Kosmos, thence in an easterly direction across White Pass to the Oak Flat junction with primary state highway No. 5 northwest of Yakima.]

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard over-crossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 97 at Cle Elum.

(6) *State route number 97 beginning at a junction with state route number 90 at Cle Elum, thence via Blewett (Swauk) pass to a junction with state route number 2 in the vicinity of Peshastin.*

(7) *State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.*

(8) *State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.*

(9) *State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.*

(10) *State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.*

**NEW SECTION.** Sec. 19. This act may be cited as the "Scenic Vistas Act of 1971".

**NEW SECTION.** Sec. 20. 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. 21. This 1971 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 McDougall, the following amendment by Senators McDougall, Henry and Murray to the title was adopted:

On line 2 of the title after "highways;" strike the remainder of the title and insert the following:

"amending section 2, chapter 96, Laws of 1961 and RCW 47.42.020; amending section 3, chapter 96, Laws of 1961 and RCW 47.42.030; amending section 4, chapter 96, Laws of 1961 and RCW 47.42.040; amending section 6, chapter 96, Laws of 1961 and RCW 47.42.060; amending section 8, chapter 96, Laws of 1961 and RCW 47.42.080; amending section 10, chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. and RCW 47.42.100; amending section 11, chapter 96, Laws of 1961 and RCW 47.42.110; amending section 12, chapter 96, Laws of 1961 and RCW 47.42.120; amending section 14, chapter 96, Laws of 1961 and RCW 47.42.040; adding new sections to chapter 96, Laws of 1961 and chapter 47.42 RCW; and declaring an emergency."

On motion of Senator McDougall, the rules were suspended, Engrossed Senate Bill No. 635 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 Whetzel: "Will Senator Murray yield? Senator, in section 8 it talks about permitting signs lawfully erected and maintained visible from the main traveled way, the primary system within commercial and industrial areas. Is it correct that this has to be read in context with section 3 that the regulation that in case of a highway that is both part of the primary system and the scenic system, that the scenic system regulations would control?"

Senator Murray: "The scenic system regulations would control from the standpoint of conformity with the act. However, in the two hundred and twenty miles of overlap between the scenic system and the primary system, from the standpoint of removing those signs, the grandfather clause and/or the compensation clause for the primary system would prevail for existing signs. But for all future construction where they do have an overlap, the standard would be that of the scenic which is much higher than the primary."

Senator Whetzel: "The regulations would be those of the scenic system but the compensation features would be those of the primary system?"

Senator Murray: "That is right. We have to have it that way to be in conformity with the federal act."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 635, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder,

Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator Durkan—1.

Excused: Senator Peterson (Lowell)—1.

ENGROSSED SENATE BILL NO. 635, having received the 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 within the bar of the Senate of Victor A. Meyers, former Lieutenant Governor and Secretary of State of the state of Washington and appointed Senators Talley, Henry, Guess and Peterson (Ted) to escort the honored guest to a place of honor upon the rostrum.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of United States Senator Warren G. Magnuson and appointed Senators Keefe, Woodall, Atwood, Andersen, Bailey, Greive and Donohue to escort Senator Magnuson to a place of honor upon the rostrum.

#### PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, ladies and gentlemen, it is not often that the President has the opportunity to present an illustrious and renowned former quarterback of the University of Washington Huskies. A poor but honest young man who rode the rods on a gully jumper from the vast expanse of the midwest to the Evergreen State of Washington in the mid-twenties, where he arrived in true Horatio Alger manner, worked his way through the University of Washington Law School, admitted to the bar after graduating with honors, later served as a member of the State House of Representatives in Olympia, became the prosecuting attorney of King county, later to become one of the most distinguished members of the House of Representatives in Washington, D.C., and then reached for the highest point and became a United States Senator who has served with distinction and honor and capability for many years.

"The President realizes, through his particular career, that winning may not be everything but it is way ahead of what is in second place. Senator Warren G. Magnuson has won every election he has ever entered and I am sure that everyone will agree that he will continue to win any particular election that he chooses to enter. He is now the sixth ranking Senator in the United States Senate in point of seniority, but in the hearts and minds of many of us he is mister number one. Warren G. Magnuson, United States Senator."

#### REMARKS BY SENATOR WARREN G. MAGNUSON

Senator Magnuson: "Governor, fellow Senators, Vic, my old friend—first of all I deeply appreciate this invitation. I am so glad I could be here to accept it. I surely do not want to disrupt the work which you are doing now. I know legislative bodies very well and I know they drag along for a while and all of a sudden everything erupts. And I have been reading the papers about you, as you have been reading about us in the United States Senate, and I understand that many things are happening here this week and today, in hopes that you might get through this session sooner or later. I envy you because the United States Congress never seems to get through. It is about eleven or twelve months out of the year and that is because the problems of the country and the state and all of us are involved in so many things, the importance and the responsibility of legislative bodies has grown and grown and grown. I needn't tell you people who have been here a long time that every year and every session it seems to get more and more and more. I have found out after, well pretty near forty years in legislative bodies that there are not many new problems, there are just more of them. And I know the agonies that we all go through in this present day and age to try and meet the needs within our capabilities of what we think should be done for the people that we represent.

"I suppose I could stand here all afternoon and talk about what they are, what the priorities are, but you get down to the fact—who is going to pay for it and where are you going to get the money. Isn't that correct? There are so many things to be done, not only in this country but in this state that you people are involved in that we want to do but we know that we have to fit that within what capabilities we may have to do it. And this

becomes a problem of a legislature. And I know, I think I have an understanding of what those problems are. I have an understanding that there is a great need for better federal-state relationships in all, not only in fiscal matters but in all other matters. And we have got to become more a part in the Congress of the United States. We set the pace like you do here in the problems of every area. I think there has got to be some revenue sharing of some kind. I do not know just the format of it but I think we have to do something about it on the federal level. I am going back Saturday and on Monday I am going to start hearings on the HEW appropriation. Twenty-nine billion dollars, of which the state of Washington in education alone shares about forty-two million. All the welfare problems, social security problems, and all the things that now have a crying need for us to participate in and the legislatures of the states and the nation to do some kind of a job. We had the dubious distinction this year of being the highest unemployment rate in the nation. That is caused mainly by a decline in aerospace employment. But I do not think a couple of airplanes should stop the people from this state of realizing that we can do all the things that we need to do and come back and have a sustained economy here. I was down here in 1933. That is a long time ago, isn't it? I am really not that old. Vic was here. We had an unemployment mark that these things that happened to me in Seattle last week looked like a Sunday school picnic, the one we had. And about forty percent of the people at least were out of work. We came out of it. We did a job and the legislature in this state took the initiative, cooperation with the national government. They took the initiative at that time and we have got to do it again. Now the immediate problem is a difficult one. The aerospace industry, as far as employment is concerned, sums up to one thing. I do not think any of us in this room can do too much about it. American airlines have to start to buy airplanes. Simple as that. The SST got defeated. SST was one facet, it became a symbol. Too much of a symbol. But Boeing has laid off sixty thousand people. In the SST we are talking about maybe four. And the airline industry got in such financial shape in the last two years that we conducted in the Senate Commerce Committee, of which I am chairman, a month's long hearing, pretty near as bad as the railroads. But I think they are coming back.

"High interest rates caused a decline in employment in the—I do not know, I guess the lumber industry and its allied products is just as large as the aerospace industry in this state as far as unemployment is concerned. High interest rates stopped a lot of building, home building and all these things and I think we can look forward to keeping those interest rates down. I hope so. They were the villains. They were the villains in the piece, or higher interest rate was the villain in the piece on the inability of American airlines to buy airplanes. Now that is coming back.

"Now one other thing I want to mention. What else can we do right now? We should accelerate, and we have a bill in Congress which I think will pass within the next two weeks, that will accelerate the payment of public works projects, long overdue. I do not know how many millions this state has in public works projects that are planned, feasible and ready to go. Need to do it now. And I think the legislature has addressed themselves to that. Hospitals, roads, educational facilities, sewer facilities, all these things that we are going to need. Some of that money has been frozen. We are going to dedicate ourselves, all of us in Congress, to unfreeze some of it. It amounts to millions of dollars. Hundreds of millions. So I come with a message, I hope, to you that is not pessimistic at all. I think we can do these things if we work together. And I want to be one who will tell you that I understand the problems of the states. And I understand the money problems that you have, the fiscal problems. And I think there has got to be, sooner or later, some joining of the federal government and the local governments to meet this burden.

"I noticed around the state this week, and I have been around the state for a week, that pretty near every special school levy was defeated, wasn't it? Pretty near every place. And I am convinced, I want to say here today to you people who have this responsibility, that the burdens on education and welfare, as far as the states are concerned, have become unbearable. Now I have come to a tentative conclusion. I may change my mind, I do not know the format of it. But I think right now and I stand here and say I think the federal government has ultimately got to take over all the welfare costs in the United States. I really do. I do not see how you can handle them anymore. They are growing by leaps and bounds. And we would have some uniform procedure in handling welfare costs which would relieve you people, give you some leeway to do many of the things that you want to do here that you cannot do because of your fiscal restraints. And that is what we are going to do, we are going to try and do.

I bring you greetings from my colleague, Senator Jackson, and all the Congressional delegation. We want to work with you and meet these problems and we can. I know the legislative procedure. You are beholden sometimes to a lot of things that you believe in, your conscience. You have still got to represent your people, your own districts. But we can put it all together and do not have any long faces about the future of the state of Washington. You may be a little impatient about it but it will be there. Thank you very much."

#### PRESIDENT'S PRIVILEGE

The President: "Senator Magnuson, the members of the Senate join with everyone else in extending a very grateful vote of thanks to you and we find that your message, rather than being pessimistic, is really very encouraging. And thank you so much for being with us.

"Honored members of the Senate, Senator Magnuson has graciously consented to attempt to reply to any questions that the members may have."

POINT OF INQUIRY

Senator Washington: "What is the status, or is there any possibility of federal funds for developing new types of mass transportation? I noticed there is some discussion along that line."

Senator Magnuson: "This is one thing—we have a two-pronged problem. What can we do immediately and what can we do for a long range problem? Now we have in the Senate Commerce Committee, and we got the appropriation for it, for a mass transit demonstration. And I have high hopes that the first demonstration project will be sent out here, which would be used between Seattle and Sea-Tac and Tacoma, for instance, as a start. And use some of the expertise that Boeing has, some of this talent that they have, and try and break this, what we call a technological Appalachia that we have, and I have high hopes. I think we will get that project to begin with. This will turn the talents to some other things that some of the people talked about, when they even voted against the SST. And it is a good future for that, yes."

"Well, let me tell you something else. NOAA, which is the big agency, finally we put it in one agency for oceanography, they are going to have their whole Pacific coast headquarters in Seattle. I think the potential of oceanography in ten, fifteen years, is just as great even as the aerospace industry. We have the best laboratory in the world, in all of Puget Sound, for this work, research and development and all the things we can do. Fish farming could be just as great, the aquaculture could be just as great as the agriculture. And we have a lot of things to do. These are long range, but we have got to do something now. That is public works, that is unfreezing some of the funds that have been frozen. Twenty-seven billion dollars in the United States has been frozen. Roads, sewer systems, additions to educational institutions, hospitals and all these things. Every government has traditionally done that when there is a dip, a recession, they move in with public works projects. But that requires, of course, a matching and a local contribution and a planning of the projects that you people of the state of Washington think need to be done."

Senator Canfield: "Senator Magnuson, you spoke of the welfare situation and the possibility of the federal government taking over this burden. Under any plan which you might conceive, would the state of Washington and other states, would they have any screening authority or would all the authority come out of Washington, D.C.?"

Senator Magnuson: "No, I do not think we should take all that authority back to Washington. I do not want it. I do not think anybody else wants it. But I think the federal government has to pay the bill on welfare. I do not see how the state, any state, this state or any other state, can stand this burden. It is just growing, as everybody in this room knows, you people know, by leaps and bounds. I suppose there would be some basic rules you would have to abide by, but they would be uniform and they would be the same throughout the Union. The trouble is now we have fifty different versions on how to administer the welfare program. Pretty near fifty, I will bet there are forty-five, at least. And I do not see how you can do it. Now that does not mean we discontinue our aid to education. Now the federal government, and as I told you I am going back Saturday and I start HEW. I have five hundred and sixteen witnesses to hear. On the whole education bill and the health bill. And the social security. Now we contribute in education, for instance, about eight percent, round figures, of your education needs in the state or any other state. Now that does not mean that we are going to take that away because we relieve you of the burden of welfare, because it is needed. Now that is subject sometimes to rules and regulations but pretty much we leave it up to the local authorities and I want to continue that. But I think we have got to do it. I do not see how the states can handle these things anymore, fiscally."

POINT OF INQUIRY

Senator Guess: "Senator Magnuson, the construction schedule on Lower Granite Dam did not have a sufficient amount of money to carry them out for the fiscal year. They are now operating on the contractors' money. They are somewhat in a dilemma as to whether or not they are going to have enough money to go to July 1. Is there any possibility of making sure that that job does not shut down between now and July 1?"

Senator Magnuson: "The present budget, the fiscal '72 budget contains enough money to do what you suggest. And our only problem is whether the budget will freeze the money. They froze last year's money and we are trying to unfreeze all of this money, which includes our dams and many public works projects. I think it is good, to answer your question specifically."

POINT OF INQUIRY

Senator Dore: "I just wanted to know if Senator Magnuson might want to comment upon Senator Jackson's chances to be our next president and what the prospects are."

Senator Magnuson: "I want to tell you, in the United States Senate we do not have as

fancy galleries as you have here but we have galleries up there and you could throw a rock down there and no matter who you hit, except Senator Ellander who is eighty-two years old and Senator Magnuson, who is not a candidate, you would hit a potential candidate for the presidency. And Senator Jackson is just as able and as capable as any of them that you would hit. Is that a good way to answer it?"

#### POINT OF INQUIRY

The President: "Senator Magnuson, Senator James Keefe of Spokane has directed a question to you in relation to the Spokane Expo '74."

Senator Keefe: "Senator, we appreciate your dedication to Expo '74 and the legislature here in their wisdom passed a bill and I understand it has some funds back in Washington. Could you give us a rundown?"

Senator Magnuson: "Here we go again about funds in Washington. I think that this is a good project and before I even further answer—Senator Dore, may I have your attention—I and all the people in eastern Washington want to thank you for not only the kind remarks you had to say about me supporting this thing. I think it is going to be a good thing for this state. And they did their job well and you people, this is the way we had to start the Seattle one, and New York and all. We start with the legislature and I am hopeful that I can carry through at my end on the federal government. I tell you I do not guarantee this but I am going to be awfully persuasive. Appropriation time is not a bad time to talk about it with these people."

With leave of the Senate, business was suspended to permit Victor Meyers to address the Senate.

The committee of honor escorted Senator Magnuson and Victor Meyers from the Senate Chamber.

#### MOTION

At 3:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, April 23, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



**FORTY-THIRD DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wash., Friday, April 23, 1971.

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 Peterson (Lowell) and Whetzel. On motion of Senator McDougall, Senator Whetzel was excused. On motion of Senator Keefe, Senator Peterson (Lowell) was excused.

The Color Guard, consisting of Pages Susan Beyer, Color Bearer, and William Kelly Walsh, presented the Colors. Reverend George M. Mitchell, pastor of First Christian Church of Olympia, offered prayer as follows:

"Our Father in heaven, we believe and know that the words now spoken, and the yearnings of the hearts now open before Thee, are heard and understood in Thy presence. And therefore we unite our petitions to Thee for Thy blessing, Thy guidance, and Thy help, that we faithfully may do what is best for the people of this State and what is right in Thy sight, O God. Give to these Senators who represent the people of this State, the will to work together as a team for the welfare of all the people. Give them the courage to withstand the pressure of the selfish, and give to the people the vision to see the needs of all, and to accept the sacrifice that must be shared by all. Amen."

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

**REPORTS OF STANDING COMMITTEES**

April 13, 1971.

SENATE BILL NO. 85, establishing rules for assumption of indebtedness by cities and towns (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: That Substitute Senate Bill No. 85 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Whetzel.

Passed to committee on Rules and Joint Rules for second reading.

April 23, 1971.

SENATE BILL NO. 254, relating to licensing of plumbers (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do not pass.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Dore, Fleming, Gissberg, Knoblauch, McDougall, Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

SENATE BILL NO. 256, restricting use of abstracts of driving experience for insurance purposes (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Gardner, Keefe, Knoblauch, Newschwander, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

SENATE BILL NO. 272, providing tax deferred annuity benefits for certain eligible employees (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do not pass.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Gissberg, Keefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

SENATE BILL NO. 592, providing for the retirement and pensions of the people of this state (reported by Committee on Public Pensions and Social Security):  
 MAJORITY recommendation: Do pass as amended.  
 Signed by: Senators Fleming, Chairman; Day, Herr, Holman, Odegaard.  
 Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

SENATE JOINT RESOLUTION NO. 38, amending the state constitution making it permissive for the legislature to set the salaries of county officers (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

### MOTIONS

On motion of Senator Bailey, the rules were suspended, Senate Joint Resolution No. 38 was advanced to second reading.

On motion of Senator Bailey, Senate Joint Resolution No. 38 was ordered held on the second reading calendar immediately preceding consideration of Senate Bill No. 512.

April 21, 1971.

ENGROSSED HOUSE BILL NO. 125, providing for increased pension benefits for certain retired employees of institutions of higher education (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Day, Herr, Holman, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

SUBSTITUTE HOUSE BILL NO. 340, increasing the membership on boards of fire commissioners to five in certain districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, McDougall, Peterson (Ted), Ridder, Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

HOUSE BILL NO. 403, authorizing the issuance of revenue warrants under the municipal airports act of 1945 (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

HOUSE BILL NO. 728, pertaining to taxable status of public property when transferred to private ownerships (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Foley, Francis, Guess, Holman, Huntley, Jolly, Lewis, Mardesich, Peterson (Ted), Ridder, Sandison, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

HOUSE JOINT MEMORIAL NO. 21, suggesting a federal program to utilize skilled personnel presently underutilized by the aerospace industry (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, McDougall, Ridder, Stender.  
Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

HOUSE JOINT MEMORIAL NO. 22, requesting Congress to reconsider the SST project (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

LETTERS OF INFORMATION

April 16, 1971.

THE HONORABLE JOHN A. CHERBERG, CHAIRMAN,  
SENATE COMMITTEE ON RULES AND JOINT RULES,  
WASHINGTON STATE SENATE,  
OLYMPIA, WASHINGTON.

DEAR CHAIRMAN CHERBERG:

Submitted herewith, including separate "DO NOT PASS" standing committee reports, are Senate Bill No. 272 and Senate Bill No. 254.

Senate Bill No. 272 has been passed in form with Senate passage of Senate Bill No. 659. Senate Bill No. 254 has been incorporated by amendment into Senate Bill No. 397, which received a "Do pass" recommendation from the Senate Committee on Commerce and Regulatory Agencies.

There being no further need for the Committee on Commerce and Regulatory Agencies to consider these measures, they are submitted to the Committee on Rules and Joint Rules.

Very truly yours,

SENATOR AUGUST P. MARDESICH  
Chairman, Senate Committee on Commerce and Regulatory Agencies.

April 23, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Committee on Revenue and Taxation into the full Committee on Ways and Means:

HOUSE BILL NO. 144: Providing business and occupation tax deduction for certain computer services.

Sincerely,

SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

MESSAGES FROM THE HOUSE

April 21, 1971.

Mr. President: The House has passed REENGROSSED HOUSE JOINT RESOLUTION NO. 1, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 22, 1971.

Mr. President: The Speaker has signed:  
SENATE BILL NO. 208,  
SENATE BILL NO. 564,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 22, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 300, and has granted said committee the powers of Free Conference.

MALCOLM McBEATH, Chief Clerk.

April 22, 1971.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 19, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 22, 1971.

Mr. President: The House has passed:  
ENGROSSED HOUSE BILL NO. 259,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 321,  
ENGROSSED HOUSE BILL NO. 357,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

April 21, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 300, relating to right of entry by department of natural resources, have had the same under consideration, and we recommend that Engrossed House Bill No. 300 be amended to read as follows:

Strike all the matter after line 5 and substitute the following:

"Any authorized assistants, employees, agents, appointees or representatives of the department of natural resources may, in the course of their inspection and enforcement duties as provided for in chapters 76.04, 76.06, 76.08, 76.16, 76.36 and 76.40 RCW, enter upon any lands, real estate, waters or premises except the dwelling house or appurtenant buildings [or waters] in this state whether public or private and remain thereon while performing such duties [, and such action by such persons shall not constitute trespass. PROVIDED HOWEVER, That]. Similar entry by the department of natural resources may be made for the purpose of making examinations, locations, surveys and/or appraisals of all lands under the management and jurisdiction of the department of natural resources; or for making examinations, appraisals and, after five days' written notice to the landowner, making surveys for the purpose of possible acquisition of property to provide public access to public lands. In no event other than an emergency such as fire fighting shall motor vehicles be used to cross a field customarily cultivated, without prior consent of the owner. None of the entries herein provided for shall constitute trespass, but nothing contained herein shall limit or diminish any liability which would otherwise exist as a result of the acts or omissions of said department or its representatives."

Signed by: Senators Donohue, Clarke and Gissberg; Representatives Zimmerman, Smith and Haussler.

## MOTION

On motion of Senator Clarke, the report of the Free Conference Committee on Engrossed House Bill No. 300 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 300, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senators Guess, Newschwander, Talley—3.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Peterson (Lowell), Whetzel—2.

ENGROSSED HOUSE BILL NO. 300, 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.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 926, by Senators Dore, Durkan, Atwood and Andersen:

AN ACT Adopting the supplemental budget; making appropriations for miscellaneous purposes; and declaring an emergency.

Referred to Committee on Ways and Means—Appropriations.

There being no objection, the rules were suspended and additional sponsors were added to Senate Bill No. 926.

ENGROSSED HOUSE BILL NO. 259, by Representatives Ross, Maxie and Chatalas (by Secretary of State request):

Permitting legal advertising and public notices in minority papers.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, by Committee on Transportation:

Providing for suspended sentences for driving while intoxicated.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 357, by Representatives Gallagher, Beck and Hatfield:

Amending certain parts of the White Cane Law.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

REENGROSSED HOUSE JOINT RESOLUTION NO. 1, by Representatives Moon, Merrill, Kilbury, King, Luders, Martinis, McDermott and Wojahn:

Providing for periodic review of tax exemptions.

Referred to Committee on Ways and Means—Revenue and Taxation.

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

SENATE RESOLUTION: 1971-EX-52

By Senators Sandison, Twigg and Huntley:

WHEREAS, The costs to the state of Washington to provide higher education for its citizens is increasing and unless tuition is increased the state will be paying an increasing percentage of the cost of educating its citizens; and

WHEREAS, Increases in tuition have a severe effect upon students who are often still in a lower economic situation; and

WHEREAS, Students have great difficulty in securing loans through private banking channels to finance their education; and

WHEREAS, Other states are examining the concept of increasing the student's share of the costs of his education, but providing for repayment at a later time when the college student has established his career and the economic benefits to him are being realized;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Joint Committee on Higher Education is requested to study the feasibility of establishing a deferred tuition and fees payment plan for students of state institutions of higher education including the feasibility of financing the state's costs of such education through the sale of revenue bonds to be repaid from deferred student fees.

BE IT FURTHER RESOLVED, That the Joint Committee on Higher Education shall transmit the findings of this study to the members of the 1973 Legislature, including any recommended legislation.

MOTION

Senator Holman moved that the Judiciary Committee be instructed to report back to the Senate, Engrossed Senate Bill No. 227 with recommendations and reasons therefor within seventy-two hours.

Debate ensued.

## POINT OF ORDER

Senator Greive: "Mr. President, point of order, Reed's Rule 160 says that if a bill is committed or anything is done with instruction it opens the entire matter up to debate."

## RULING BY THE PRESIDENT

The President: "The Senator's point is well taken."

## MOTION

Senator Gissberg moved that the motion by Senator Holman be laid upon the table.

Senator Holman demanded a roll call and the demand was sustained by Senators Greive, McCutcheon, Metcalf, McDougall, Scott, Elicker, Newschwander, Canfield and Atwood.

## ROLL CALL

The Secretary called the roll and the motion to lay upon the table the motion by Senator Holman carried by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Odegaard, Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—36.

Voting nay: Senators Andersen, Connor, Elicker, Holman, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Washington—11.

Excused: Senators Peterson (Lowell), Whetzel—2.

## PERSONAL PRIVILEGE

Senator Holman: "Personal privilege, Mr. President. During the debate just finished, I am sure he did not mean it this way but Senator Woodall rather indicated that possibly I had some reservations as to the treatment of the chairman of the Senate Judiciary Committee and I certainly would want to dispel any feeling that anyone here might have. I have said this many times and I will say it right now, I think Senator Gissberg is just about the most competent, hard working and dedicated committee chairman I have ever had the privilege of serving under. It is certainly true that he has expedited the members' bills, including my own bills, to every extent possible.

"So to the purpose of my motion which was turned down a few minutes ago had nothing to do with that at all. But I just felt that as a realist and knowing the views of the members of the committee that there just would not be any possibility of getting it out that way and that is the reason I wanted the Senate as a whole to vote on it but it has nothing to do with Senator Gissberg."

## REMARKS BY SENATOR WOODALL

Senator Woodall: "Well, Senator Holman, if by any stretch of the imagination anything I said could be so construed I certainly did not mean to imply it. May I hasten to add that perhaps his number one diligent member happens to be Senator Holman, who is always there, always in attendance and always willing and ready to work. So it has been a very harmonious committee and I am sure that there is no inner feelings within the committee of anything except unity."

## REMARKS BY SENATOR GISSBERG

Senator Gissberg: "I appreciate the kind remarks, Senator Holman. My only regret is that you do not have any bills left in my committee."

## REMARKS BY SENATOR HOLMAN

Senator Holman: "I am sorry to remind you that Senate Bill No. 227 is sponsored by Senators Holman and Washington."

## SECOND READING

SENATE BILL NO. 186, by Senator Walgren (by Washington Law Enforcement Officers' and Fire Fighters' Retirement Board request):  
Amending the law enforcement officers' and fire fighters' retirement system act.

## MOTIONS

On motion of Senator Fleming, Senate Bill No. 186 was made a special order of business for 2:30 p.m. today.

On motion of Senator Greive, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Tuesday, April 27, 1971.

SENATE JOINT RESOLUTION NO. 38, by Senators Whetzel, Atwood and Bailey:

Amending the state constitution making it permissive for the legislature to set the salaries of county officers.

The Senate resumed consideration of Senate Joint Resolution No. 38.

The resolution was read the second time in full.

On motion of Senator Bailey, the rules were suspended, Senate Joint Resolution No. 38 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 38, and the resolution passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—43.

Absent or not voting: Senators Durkan, Fleming, Mardesich, Woodall—4.

Excused: Senators Peterson (Lowell), Whetzel—2.

SENATE JOINT RESOLUTION NO. 38, having received the constitutional two-thirds majority, was declared passed.

## SIGNED BY THE PRESIDENT

The President signed: SENATE JOINT MEMORIAL NO. 19.

## MOTION

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

On motion of Senator Fleming, the special order of business for 2:30 p.m. today, Senate Bill No. 186, was placed on the second reading calendar for today immediately following consideration of Senate Bill No. 512.

## SECOND READING

SENATE BILL NO. 512, by Senators McDougall and Bailey:  
Setting out salaries of county officials.

## REPORT OF STANDING COMMITTEE

February 26, 1971.

SENATE BILL NO. 512, setting out salaries of county officials (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 6, after "[six]" and before "thousand" strike "thirteen" and insert "seven" and after "[two]" and before "hundred" strike "five" and insert "six"

On page 2, section 1, line 14, after "[three]" and before "thousand" strike "twelve" and insert "five" and after "thousand" and before "dollars" strike "[six] five hundred" and insert "[six hundred]"

On page 2, section 1, line 22, after "[two]" and before "thousand" strike "eleven" and insert "three" and after "[four]" and before "hundred" strike "five" and insert "six"

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Elicker, Fleming, Herr, McDougall, Ridder, Talley.

The bill was read the second time by sections.

On motion of Senator Bailey, the committee amendments were not adopted.

Senator Bailey moved adoption of the following amendment by Senators Bailey and McDougall:

On page 1, beginning on line 10 strike all of section 1 and insert the following:

"Section 1. Section 36.17.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 226, Laws of 1969 ex. sess. and RCW 36.17.020 are each amended to read as follows:

(1) The salaries of the following county officers of Class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, *sixteen thousand dollars*; clerk, *sixteen thousand dollars*; treasurer, *sixteen thousand dollars*; sheriff, *seventeen thousand seven hundred dollars*; assessor, *sixteen thousand dollars*; [superintendent of schools,] *prosecuting attorney, twenty-two thousand five hundred dollars*; members of board of county commissioners, *seventeen thousand seven hundred dollars*; coroner, [thirteen thousand eight hundred] *fifteen thousand dollars*;

Counties of the first class: Auditor, *fourteen thousand five hundred dollars*; clerk, *fourteen thousand five hundred dollars*; treasurer, *fourteen thousand five hundred dollars*; sheriff, *sixteen thousand dollars*; assessor, *fourteen thousand five hundred dollars*; [superintendent of schools,] *prosecuting attorney, twenty-two thousand five hundred dollars*; members of board of county commissioners, [twelve] *sixteen thousand [five hundred] dollars*; coroner, [six] *eight thousand [two hundred] dollars*;

Counties of the second class: Auditor, *thirteen thousand five hundred dollars*; clerk, *thirteen thousand five hundred dollars*; treasurer, *thirteen thousand five hundred dollars*; sheriff, *thirteen thousand five hundred fifty dollars*; assessor, *thirteen thousand five hundred dollars*; [superintendent of schools,] *prosecuting attorney, twenty-one thousand five hundred dollars*; members of board of county commissioners, [ten] *thirteen thousand [six] five hundred dollars*; coroner, [three] *five thousand [six hundred] dollars*;

Counties of the third class: Auditor, *twelve thousand five hundred dollars*; clerk, *twelve thousand five hundred dollars*; treasurer, *twelve thousand five hundred dollars*; assessor, *twelve thousand five hundred dollars*; sheriff, *twelve thousand five hundred dollars*; [superintendent of schools,] *prosecuting attorney, twenty-one thousand five hundred dollars*; members of the board of county commissioners, [nine] *twelve thousand five hundred dollars*; coroner, [two] *three thousand [four] six hundred dollars*;

Counties of the fourth class: Auditor, *eleven thousand dollars*; clerk, *eleven thousand dollars*; treasurer, *eleven thousand dollars*; assessor, *eleven thousand dollars*; sheriff, *eleven thousand dollars*; [superintendent of schools,] *eight thousand four hundred dollars*; [prosecuting attorney, [ten] *thirteen thousand dollars*; members of the board of county commissioners, [seven] *ten thousand [seven hundred] dollars*;

Counties of the fifth class: Auditor, *nine thousand one hundred fifty dollars*; clerk, *nine thousand one hundred fifty dollars*; treasurer, *nine thousand one hundred fifty dollars*; sheriff, *ten thousand two hundred dollars*; assessor, *nine thousand one hundred fifty dollars*; [superintendent of schools,] *seven thousand seven hundred dollars*; [prosecuting attorney, *twelve thousand dollars*; members of the board of county commissioners, [six] *eight thousand [six] five hundred dollars*;

Counties of the sixth class: Auditor, *nine thousand one hundred fifty dollars*; clerk, *nine thousand one hundred fifty dollars*; treasurer, *nine thousand one hundred fifty dollars*; assessor, *nine thousand one hundred fifty dollars*; sheriff, *ten thousand two hundred dollars*; [superintendent of schools,] *seven thousand dollars*; [prosecuting attorney, *nine thousand*



dollars; members of the board of county commissioners, [two] six thousand [three] four hundred dollars;

Counties of the seventh class: Auditor, *eight thousand three hundred dollars*; clerk, *eight thousand three hundred dollars*; treasurer, *eight thousand three hundred dollars*; assessor, *eight thousand three hundred dollars*; sheriff, *nine thousand five hundred dollars*; [superintendent of schools, six thousand eight hundred dollars;] *prosecuting attorney, nine thousand dollars*; members of the board of county commissioners, [two] *five thousand [three hundred] nine hundred fifty dollars*;

Counties of the eighth class: Auditor, *eight thousand three hundred dollars*; clerk, *eight thousand three hundred dollars*; treasurer, *eight thousand three hundred dollars*; assessor, *eight thousand three hundred dollars*; sheriff, *nine thousand five hundred dollars*; *prosecuting attorney, [six] nine thousand dollars*; [clerk, four thousand two hundred dollars; superintendent of schools, four thousand dollars;] members of board of county commissioners, [one] *five thousand nine hundred fifty [eight hundred] dollars*;

Counties of the ninth class: Auditor-clerk, *seven thousand four hundred fifty dollars*; sheriff, *eight thousand five hundred dollars*; treasurer-assessor, [five] *seven thousand [six] four hundred fifty dollars*; [superintendent of schools, three thousand four hundred dollars;] *prosecuting attorney, nine thousand dollars*; members of the board of county commissioners, [eighteen] *five thousand five hundred dollars [per diem]*.

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, [assessor, superintendent of schools,] members of board of county commissioners, coroners, *eighteen thousand dollars*; assessor, *nineteen thousand dollars*; and *prosecuting attorney, twenty-seven thousand five hundred dollars*.

[(3) The salaries of prosecuting attorneys who are not forbidden under RCW 36.27.060 to engage in the private practice of law shall be six thousand five hundred dollars. The salaries of prosecuting attorneys who are forbidden under RCW 36.27.060 to engage in the private practice of law shall be twenty thousand dollars and an additional five hundred dollars for each judge of the superior court in the county's judicial district: PROVIDED, That no prosecuting attorney's salary shall exceed the salary of a superior court judge.]

One-half of the salary of each prosecuting attorney shall be paid by the state.

[In addition to the compensation provided for herein, county commissioners of counties of the sixth, seventh, eighth and ninth class shall be entitled to additional compensation for the performance of additional duties not a part of their regular duties as provided in RCW 36.32.320, as now law or hereafter amended.]”

#### POINT OF INQUIRY

Senator Peterson (Ted): “Would Senator Bailey yield? On your figures on these increases, what is the time element on these increases? You had some high increases there of up to thirty-six percent. How many years does this cover?”

Senator Bailey: “As I understand it, this is based on the latest four-year period and this has been longer than that, of course, since we raised county salaries, but it was based on the latest four-year period for computation of these other people. Actually we are probably not raising them as much as we should if we would really go back and research it down to the year.”

Senator Lewis moved adoption of the following amendment to the amendment by Senators Bailey and McDougall:

On page 1, section 1, line 8 of the amendment, after “The” and before “salaries” insert “*maximum*”;

Debate ensued.

#### POINT OF INQUIRY

Senator Canfield: “Will Senator Lewis yield? Since we have Senate Joint Resolution No. 38 making some suggested changes in the State Constitution regarding this matter, I wonder if your idea which I think is quite commendable could not be reworded to fit into this Joint Resolution and submit it to the people so, if passed, it would then give to the legislative authority of a county the right to set these salaries. Then it would be constitutional without any question if approved by the people.”

Senator Lewis: “I think that might be a meritorious idea. I just happen to be in the position that I disagree with those who oppose this amendment. I think it is a proper place to propose it. I think it does what I intended it to do and I raised the issue on the floor for that purpose.”

“I think if you consider carefully the effect of the amendment, and I did have this checked out with an attorney. I did not draft this myself and I believe that those who are speaking against the amendment are speaking with the purpose of trying to destroy it and have done an effective job in so trying. However, I do believe the amendment is properly drawn.”

“I would not object to including it in that constitutional amendment but it is before us now and I think it is properly before us and that it should be considered at this time.”

On motion of Senator Talley, the amendment by Senator Lewis to the amendment by Senators Bailey and McDougall was laid upon the table.

Senator Huntley moved adoption of the following amendment by Senators Huntley and Washington to the amendment by Senators Bailey and McDougall:

On page 2, section 1, line 23 of the amendment, after "attorney," and before "[ten]" insert "in such a county in which there is no state university," and on line 23 after "dollars;" insert "prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars;"

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Senator Huntley I agree with you but a thought strikes me that we have done something here that is not quite going to work. What do we do with the fourth class counties that haven't any college? Are we leaving them back at the old figure or the new figure under the amendment?"

Senator Huntley: "That would leave them at thirteen thousand dollars as the amendment calls for. The amendment by Senator McDougall and yourself calls for thirteen thousand for assessors in fourth class counties. This would increase it to fifteen thousand."

Senator Bailey: "Just in the one case?"

Senator Huntley: "In the one case. It would remain at thirteen thousand for the rest of the fourth class counties."

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Washington yield? What will this bring the salary of fourth class prosecutor up to then?"

Senator Washington: "As I understand it, it would be from thirteen to fifteen thousand in two instances. One would be in Whitman county and the other in Kittitas."

Senator Woodall: "So in Ellensburg you could get fifteen thousand and still have your private practice under your amendment?"

Senator Washington: "This is right. You would in Whitman county."

Senator Woodall: "But in the other one you would get twenty-one thousand and no private practice."

Senator Washington: "This would be right. With the work, of course, that goes on in Kittitas county I am sure they do not have too much time for private practice."

Senator Woodall: "On the theory that there is more work in these two counties, do you anticipate raising the salary of the sheriff in those counties?"

Senator Washington: "In this instance, of course, he has usually a much larger staff while your prosecuting attorney ordinarily in these counties has a very small staff."

The motion carried and the amendment by Senators Huntley and Washington to the amendment by Senators Bailey and McDougall was adopted.

Senator Greive moved adoption of the following amendment to the amendment by Senators Bailey and McDougall:

On page 4, following line 22 of the amendment add a new section to read as follows: "NEW SECTION. Sec. 2. There is added to chapter 53.12 RCW a new section to read as follows:

Commissioners of a port district having a population of more than 350,000 persons according to the latest United States census shall receive a salary of three hundred dollars per month."

Renumber old section 2 of the bill to read section 3, and renumber the remaining sections consecutively.

#### POINT OF ORDER

Senator Atwood: "I believe that this violates our rules in regard and the amendment is outside the scope and object of this particular bill. If you will look at Senator Greive's amendment, it is in another title in the RCW entirely. This is a county elective official salary bill and if we put too much on it, I am afraid the county officials are going to be in jeopardy from any salary increase and I think that port districts are an entire separate entity and should be treated separately. If you are going to do it for one port district we should look at them all and I think this is clearly beyond the scope and object of this particular bill that is before us."

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as presented by Senator Atwood finds Senate Bill No. 512 has a restricted title dealing solely with 'county government'. The amendment proposed by Senator Greive deals with salaries of port commissioners. Port commissioners are not within the ambit of the statutes relating to county government which are found in Title 36 RCW. The statutes relating to ports and port commissioners are in Title 53 and deal with a different and distinct municipal corporation and are therefore outside the scope and object of the original title of the bill. Therefore, I sustained the point of order made by Senator Atwood."

The amendment as proposed by Senator Greive to the amendment by Senators Bailey and McDougall was ruled out of order.

The motion by Senator Bailey carried and the amendment by Senators Bailey and McDougall as amended was adopted.

Senator McDougall moved adoption of the following amendment:

On page 5 line 18, add a new section as follows: "*NEW SECTION*. Sec. 5. This act shall take effect on January 1, 1972."

Debate ensued.

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

On motion of Senator McDougall, the following amendment to the title was adopted:

On page 1, line 8 of the title, after "RCW 36.32.320" insert "; and setting an effective date"

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 512 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. 512, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—36.

Voting nay: Senators Andersen, Canfield, Dore, Fleming, Matson, Odegaard, Peterson (Ted), Ridder, Woodall—9.

Absent or not voting: Senators Lewis, Metcalf—2.

Excused: Senators Peterson (Lowell), Whetzel—2.

ENGROSSED SENATE BILL NO. 512, having received the 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 McDougall, Engrossed Senate Bill No. 512 was ordered immediately transmitted to the House.

On motion of Senator McDougall, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

April 23, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on REENGROSSED SENATE BILL NO. 130, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

April 23, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred REENGROSSED SENATE BILL NO. 130, authorizing parking and business improvement areas and special assessments therefor, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

AN ACT Relating to parking and business improvement areas; authorizing formation thereof by counties, cities, and towns; authorizing special assessments therefor; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**NEW SECTION.** Section 1. The legislature hereby authorizes all counties and all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

(a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;

(b) Decoration of any public place in the area;

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area;

(e) The general promotion of retail trade activities in the area;

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this act.

(3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.

**NEW SECTION.** Sec. 2. (1) "Business" as used in this act means all types of business, including professions.

(2) "Legislative authority" as used in this act means the legislative authority of any city or town including unclassified cities or towns operating under special charters or the legislative authority of any county.

**NEW SECTION.** Sec. 3. For the purpose of establishing a parking and business improvement area, an initiation petition may be presented to the legislative authority having jurisdiction of the area in which the proposed parking and business improvement area is to be located or the legislative authority may by resolution initiate a parking and business improvement area. The initiation petition or resolution shall contain the following:

(1) A description of the boundaries of the proposed area;

(2) The proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof;

(3) The estimated rate of levy of special assessment with a proposed breakdown by class of business if such classification is to be used.

The initiating petition shall also contain the signatures of the persons who operate businesses in the proposed area which would pay fifty percent of the proposed special assessments.

**NEW SECTION.** Sec. 4. The legislative authority, after receiving a valid initiation petition or after passage of an initiation resolution, shall adopt a resolution of intention to establish an area. The resolution shall state the time and place of a hearing to be held by the legislative authority to consider establishment of an area and shall restate all the information contained in the initiation petition or initiation resolution regarding boundaries, projects and uses, and estimated rates of assessment.

**NEW SECTION.** Sec. 5. Notice of a hearing held under the provisions of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city; and

(2) Mailing a complete copy of the resolution of intention to each business in the proposed, or established, area. Publication and mailing shall be completed at least ten days prior to the time of the hearing.

**NEW SECTION.** Sec. 6. Whenever a hearing is held under this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed special assessments.

**NEW SECTION.** Sec. 7. If the legislative authority decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after such decision and notice shall be given as prescribed in section 5 of this act, showing the boundary amendments, but no resolution of intention is required.

**NEW SECTION.** Sec. 8. For purposes of the special assessments to be imposed

pursuant to this act, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

**NEW SECTION.** Sec. 9. The special assessments need not be imposed on different classes of business, as determined pursuant to section 8 of this act, on the same basis or the same rate: PROVIDED, HOWEVER, That the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

**NEW SECTION.** Sec. 10. If the legislative authority, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention pursuant to which it was adopted;

(2) The time and place the hearing was held concerning the formation of such area;

(3) The description of the boundaries of such area;

(4) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the special assessments authorized by section 1 of this act;

(5) The initial or additional rate or levy of special assessment to be imposed with a breakdown by classification of business, if such classification is used; and

(6) A statement that a parking and business improvement area has been established.

(7) The uses to which the special assessment revenue shall be put: PROVIDED, HOWEVER, That such use shall conform to the use as declared in the initiation petition presented pursuant to section 3 of this act.

**NEW SECTION.** Sec. 11. The legislative authority of each city or town or county shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes; however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

The legislative authority may contract with a chamber of commerce or other similar business association operating primarily within the boundaries of the legislative authority to administer the operation of a parking and business improvement area, including any funds derived pursuant thereto: PROVIDED, That such administration must comply with all applicable provisions of law including this act, with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

**NEW SECTION.** Sec. 12. The special assessments levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

**NEW SECTION.** Sec. 13. Collections of assessments imposed pursuant to this act shall be made at the same time and in the same manner as otherwise prescribed by Title 35 RCW or in such other manner as the legislative authority shall determine.

**NEW SECTION.** Sec. 14. Changes may be made in the rate or additional rate of special assessment as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment at least fifteen days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing: PROVIDED, That proceedings to change the rate or impose an additional rate of special assessments shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed increase or additional special assessments.

**NEW SECTION.** Sec. 15. The legislative authority may, for each of the purposes set out in section 1 of this act, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of special assessment within each such benefit zone.

**NEW SECTION.** Sec. 16. All provisions of this act applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 13 of this act. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

**NEW SECTION.** Sec. 17. Businesses established after the creation of an area within the area may be exempted from the special assessments imposed pursuant to this act for a period not exceeding one year from the date they commenced business in the area.

**NEW SECTION.** Sec. 18. The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

*NEW SECTION.* Sec. 19. Upon disestablishment of an area, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such area, shall be subject to disposition as the legislative authority shall determine: PROVIDED, HOWEVER, Any liabilities, either current or future, incurred as a result of action taken to accomplish the purposes of section 1 of this act shall not be an obligation of the general fund or any special fund of the city or town, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 1 of this act or from special assessments on the property specially benefited within the area.

*NEW SECTION.* Sec. 20. Any city or town or county authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

*NEW SECTION.* Sec. 21. The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 20 of this act is contrary to public policy and is prohibited.

*NEW SECTION.* Sec. 22. This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of counties, cities and towns, but shall be supplemental thereto and concurrent therewith.

The purposes and functions of parking and business improvement areas as set forth by the provisions of this act may be accomplished in part by the establishment of an area pursuant to this act and in part by any other method otherwise provided by law, including provisions for local improvements.

*NEW SECTION.* Sec. 23. 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 provisions to other persons or circumstances is not affected.

Signed by: Senators McDougall and Talley; Representatives Curtis, Blair and Merrill.

#### MOTION

Senator McDougall moved that the report of the Free Conference Committee on Reengrossed Senate Bill No. 130 be adopted.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator McDougall yield? Could you be explicit as to the difference between the free conference report and the engrossed House committee amendment?"

Senator McDougall: "Yes. The only thing is in new section 3. We changed that back giving an optional method of instigating the provisions of establishing a parking and business improvement area. The original House amendment would have only had this done by the petition method and re-embodies in 'either by resolution or through a petition', and then down on line 20 of the report they have inserted a sixty percent requirement to pay for the proposed special assessments. This was cut back down to a fifty percent requirement of those people affected within that district."

The motion carried and the report of the Free Conference Committee was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 130, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senators Andersen, Durkan, Guess, Lewis, Newschwander—5.

Absent or not voting: Senator Bailey—1.

Excused: Senators Peterson (Lowell), Whetzel—2.

REENGROSSED SENATE BILL NO. 130, 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

## SECOND READING

SENATE BILL NO. 186, by Senator Walgren (by Washington Law Enforcement Officers' and Fire Fighters' Retirement Board request):

Amending the law enforcement officers' and fire fighters' retirement system act.

The time having arrived the Senate commenced consideration of Senate Bill No. 186.

## REPORT OF STANDING COMMITTEE

March 1, 1971.

SENATE BILL NO. 186, amending the law enforcement officers' and fire fighters' retirement system act (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass with the following amendment:

On page 10, section 5, line 26 following "[section.]" insert "*In the event of the death of a member retired for service or disability, his surviving spouse shall be eligible for benefits provided that the surviving spouse was married to the member at the time of the member's retirement.*"

Renumber the remaining subsections consecutively.

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Murray, Odegaard.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment was adopted.

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

On page 2, line 30, after "system" and before "as" insert "*and two employer representatives*"

On page 6, line 9, following section 1, add the following section:

"Sec. 2. Section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050 are each amended to read as follows:

The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. [These additional board members shall serve on the retirement board only for the purposes of administering this chapter.] One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. [These board members shall serve two year terms.] The first board member elected by the law enforcement officer members shall serve for one year only, the first board member elected by the fire fighters shall serve a two year term, and thereafter both shall serve two years unless they cease to be members of the retirement system. In such case there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. *Two additional representatives of counties and cities shall be added to the retirement board. One of these representatives shall be appointed by the Washington State Association of Counties and the other shall be appointed by the Association of Washington Cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional board members shall serve on the retirement board only for the purpose of administering this chapter. These board members shall serve two year terms.* All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose."

Renumber the remaining subsections consecutively.

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

On page 6, section 2, line 16, after "salary" strike "*or disability leave allowance*"

On page 7, beginning on line 16, strike all of section 3 down to and including the period on line 19 on page 8.

Renumber the remaining sections consecutively.

On page 9, section 4, beginning on line 19, after "canceled." restore all of the stricken material down to and including "[6]" on page 10, line 1.

Senator Stortini moved adoption of the following amendment by Senators Stortini, Fleming, Peterson (Ted) and Gardner:

On page 12, after line 26 insert a new section to read as follows:

"NEW SECTION. Sec. 10. There is added to chapter 37, Laws of 1970, ex. sess., a new section to read as follows:

The purpose of this section is to clarify the meaning of this chapter and to declare or make the increased benefits of this chapter applicable to certain firemen who retired prior to June 8, 1961, or their widows and who solely because of the date of their retirement may not be entitled to annual cost of living increases in pension or retirement benefits under any other provision.

The increased benefits provided by this chapter are hereby declared applicable to all retired firemen who were retired prior to the 8th day of June, 1961, for disability whether incurred in the line of duty or otherwise, or their widows, effective July 1st of the first year when such benefits have heretofore or shall hereafter become payable and shall be payable commencing the 1st day of July, 1970. The manner of calculating the retroactive benefits payable to individual beneficiaries under chapter 37, Laws of 1970, first ex. sess. and this 1971 amendatory act shall be to calculate the amount of benefit being received by such individual beneficiary on July 1, 1969; then to multiply that result times two percent times the number of full years that have elapsed following the retirement of the employee; then to add the result so reached to the said amount being received on July 1, 1969, prior to the statutory increase of that date, which total amount is to be paid each month for the next ensuing year until July 1, at which time an additional two percent shall be added and the process shall be repeated as provided in RCW 41.18.104."

Renumber the remaining section consecutively.

Debate ensued.

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Fleming yield to a question on these amendments? What is the fiscal impact of all of these to the LEFF system for this current biennium?"

Senator Fleming: "Are we talking about my amendment now?"

Senator Atwood: "All of these. Is there a fiscal note available on all of these?"

Senator Fleming: "Yes. There is little or no fiscal impact on this because there is no way you can tell how many will retire. Under these amendments that we are putting on now it would be minimal and it would not require any additional appropriation."

Senator Atwood: "You are quite sure of that?"

Senator Fleming: "Yes."

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

On motion of Senator Day, the following amendment was adopted:

On page 12, after section 8 add a new section as follows:

"Sec. 11. Section 9, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. *This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office.* Any member selecting this optional vesting shall not be covered by the provisions of RCW 41.26.150 or 41.26.160 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970."

Renumber section 9 as section 12.

Senator Walgren moved adoption of the following amendment:



On page 12, following section 8, add the following new sections:

"NEW SECTION. Sec. —. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter.

NEW SECTION. Sec. 5. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

If injury or death results to a member from the deliberate intention of his governmental employer to produce such injury or death, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter."

Senator Walgren moved adoption of the following amendment to the amendment by Senator Walgren:

On line 1 of section 5 of the amendment, strike "deliberate"

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Walgren yield? By the amendment on the other page you put them under workmen's compensation. Is that correct?"

Senator Walgren: "No, they are not put under workmen's compensation but the employer is given the same benefits as if they had been under workmen's compensation."

Senator Atwood: "The same or similar benefits. Now under workmen's compensation, you cannot sue your employer whether it is intentional or otherwise, can you?"

Senator Walgren: "That is correct."

Senator Atwood: "Why make the distinction here in this particular instance? We are going to start something here on all public employees. I just do not see the rationale at all."

Senator Walgren: "The only thing I can tell you with regard to that is in discussing this with the employer representatives, that is in this case the county representatives, and this is an amendment that was drawn up by them, this is something they felt was appropriate for this particular act."

Senator Atwood: "Is there any other place in the law where anybody else has this same right or benefit?"

Senator Walgren: "I do not know of any."

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Walgren yield? Is not this a part now in the law, the LEFF Act that they have the right to sue the . . ."

Senator Walgren: "That is correct. When the LEFF Act was adopted it took away the elimination of liability that appeared in the workmen's compensation. . ."

Senator Bailey: "What you are actually doing, though, is not expanding the liability of the cities. You are restricting the liability of the cities and the counties to not deliberate intention but where they show negligence in this."

Senator Walgren: "That is correct."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Walgren yield? I wonder how a governmental employer could be proved to deliberately intend to produce an injury or death of an employee?"

Senator Walgren: "Number one, we by virtue of the amendment to the amendment have eliminated 'deliberately'. That is out at the present time. We are talking about an intentional act of the governmental employer."

Senator Guess: "How would they then by intention cause the death of an employee?"

Senator Walgren: "I cannot think of any example right at the very moment but I am sure that there are situations where it could be argued, as Senator Atwood has indicated, that there was an intentional act on the part of the employer that caused the injury or death."

Senator Guess: "We had a situation in Spokane two or three years ago where a fireman

went into a shoe store basement and it resulted in death and because the building inspector had not insisted that there were two entrances into that basement, could this have been intent by the governmental employee to produce the death of that fireman? He went in the one end and could not get out the other. There was not any other one."

Senator Walgren: "No, I do not think so. I think in order to prove this type of an action, they would have to prove that the governmental employer had reason to know or did know what the likely results would be."

The motion carried and the amendment to the amendment by Senator Walgren was adopted.

#### MOTIONS

On motion of Senator Ridder, the amendment by Senator Walgren as amended, was laid upon the table.

On motion of Senator Mardesich, Senate Bill No. 186 was ordered to hold its place on the second reading calendar for Saturday, April 24, 1971.

At 4:00 p.m., on motion of Senator Greive, the Senate adjourned until 10:30 a.m., Saturday, April 24, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### FORTY-FOURTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, April 24, 1971.

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 Atwood, Gardner, Keefe, McDougall, Metcalf, Peterson (Lowell), Twigg and Whetzel. On motion of Senator Knoblauch, Senators Keefe and Peterson (Lowell) were excused. On motion of Senator Lewis, Senators Atwood, McDougall, Metcalf and Twigg were excused. On motion of Senator Fleming, Senator Gardner was excused.

The Color Guard, consisting of Pages Chris Murphy, Color Bearer, and Doug Wong, presented the Colors. Doctor Henry S. Rahn, pastor of First Baptist Church of Olympia, offered prayer as follows:

"Eternal God our Father, Thou art the light of all that is true, the strength of all that is good, the glory of all that is beautiful. We thank Thee for the joy of living and for the privilege of serving. Work through our minds and thoughts this day to accomplish Thy will. Take our best efforts and make them ministries of love and concern. Where our way is dark, be Thou our light. Where fears and doubts beset us, be Thou our courage. Where our zeal would flag, be Thou our inspiration. Where we are weak, be Thou our strength and wisdom. Grant now to this body of state leaders the joy and the reward of noble achievement, through Christ our Lord. Amen."

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

REPORTS OF STANDING COMMITTEES

April 23, 1971.

SENATE BILL NO. 54, regarding the building of highrise apartments on tide lands (reported by Committee on Natural Resources, Fisheries and Game):

Recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

SENATE CONCURRENT RESOLUTION NO. 26, creating the agriculture tax reform committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Canfield, Connor, Cooney, Day, Donohue, Dore, Elicker, Guess, Holman, Huntley, Jolly, Lewis, Mardesich, Metcalf, Odegaard, Peterson (Ted), Ridder, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, providing for comprehensive health planning (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Holman, Keefe, McCutcheon, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGES FROM THE HOUSE

April 23, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, and the same is herewith transmitted, DONALD R. WILSON, Assistant Chief Clerk.

April 16, 1971.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146 with the following amendment:

On page 2, after the enacting clause strike the remainder of the bill and insert the following:

“UNIFORM CONTROLLED SUBSTANCES ACT  
ARTICLE I  
DEFINITIONS

NEW SECTION. Section 69.50.101. Definitions. As used in this act:

(a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or  
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) “Bureau” means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) “Controlled substance” means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) “Dispenser” means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 69.50.201 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, a physician's assistant under chapter . . . Laws of 1971 1st ex. sess. (SB 182), an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this act, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

ARTICLE II  
STANDARDS AND SCHEDULES

**NEW SECTION.** Sec. 69.50.201. Authority to Control. (a) The state board of pharmacy shall administer this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability; and

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this act after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug and Cosmetic Act and the laws of this state, be lawfully sold over the counter: PROVIDED, HOWEVER, The board may include in a schedule and control any substance excluded under the provisions of this subsection if the board makes a finding based on the criteria of (1) through (8) above and after a hearing conducted pursuant to the procedures of chapter 34.04 RCW.

**NEW SECTION.** Sec. 69.50.202. Nomenclature. The controlled substances listed or to be listed in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 are included by whatever official, common, usual, chemical, or trade name designated.

**NEW SECTION.** Sec. 69.50.203. Schedule I Tests. The state board of pharmacy shall place a substance in Schedule I if it finds that the substance:

- (1) has high potential for abuse; and
- (2) has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

**NEW SECTION.** Sec. 69.50.204. Schedule I. (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;
- (9) Bethamethadol;
- (10) Betaprodine;
- (11) Clonitazeme;
- (12) Dextromoramide;

- (13) Dextrorphan;
- (14) Diampromide;
- (15) Diethylthiambutene;
- (16) Dimenoxadol;
- (17) Dimepheptanol;
- (18) Dimethylthiambutene;
- (19) Dioxaphetyl butyrate;
- (20) Dipipanone;
- (21) Ethylmethylthiambutene;
- (22) Etonitazene;
- (23) Etoxadine;
- (24) Furethidine;
- (25) Hydroxypethidine;
- (26) Ketobemidone;
- (27) Levomoramide;
- (28) Levophenacymorphan;
- (29) Morpheridine;
- (30) Noracymethadol;
- (31) Norlevorphanol;
- (32) Normethadone;
- (33) Norpipanone;
- (34) Phenadoxone;
- (35) Phenampromide;
- (36) Phenomorphan;
- (37) Phenoperidine;
- (38) Piritramide;
- (39) Proheptazine;
- (40) Properidine;
- (41) Racemoramide;
- (42) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Etorphine;
- (10) Heroin;
- (11) Hydromorphinol;
- (12) Methyl-desorphine;
- (13) Methyl-dihydromorphine;
- (14) Morphine methylbromide;
- (15) Morphine methylsulfonate;
- (16) Morphine-N-Oxide;
- (17) Myrophine;
- (18) Nicocodeine;
- (19) Nicomorphine;
- (20) Normorphine;
- (21) Phoclodine;
- (22) Thebacon.

(d) Any material, compound, mixture or preparation which contains any quality of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- (3) 3,4,5-trimethoxy amphetamine;
- (4) Bufotenine;
- (5) Diethyltryptamine;
- (6) Dimethyltryptamine;
- (7) 4-methyl-2,5-dimethoxyamphetamine;
- (8) Ibogaine;
- (9) Lysergic acid diethylamide;
- (10) Marihuana;
- (11) Mescaline;
- (12) Peyote;
- (13) N-ethyl-3-piperidyl benzilate;
- (14) N-methyl-3-piperidyl benzilate;
- (15) Psilocybin;

- (16) Psilocyn;
- (17) Tetrahydrocannabinols.

*NEW SECTION.* Sec. 69.50.205. Schedule II Tests. The state board of pharmacy shall place a substance in Schedule II if it finds that:

- (1) the substance has high potential for abuse;
- (2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
- (3) the abuse of the substance may lead to severe psychic or physical dependence.

*NEW SECTION.* Sec. 69.50.206. Schedule II. (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Dihydrocodeine;
- (5) Diphenoxylate;
- (6) Fentanyl;
- (7) Isomethadone;
- (8) Levomethorphan;
- (9) Levorphanol;
- (10) Metazocine;
- (11) Methadone;
- (12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (13) Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
- (14) Pethidine;
- (15) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
- (16) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- (17) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (18) Phenazocine;
- (19) Piminodine;
- (20) Racemethorphan;
- (21) Racemorphan.

*NEW SECTION.* Sec. 69.50.207. Schedule III Tests. The state board of pharmacy shall place a substance in Schedule III if it finds that:

- (1) the substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

*NEW SECTION.* Sec. 69.50.208. Schedule III. (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Phenmetrazine and its salts;
- (3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (4) Methylphenidate.

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other Schedules;
- (2) Chlorhexadol;

- (3) Glutethimide;
- (4) Lysergic acid;
- (5) Lysergic acid amide;
- (6) Methyprylon;
- (7) Phencyclidine;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The state board of pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

*NEW SECTION.* Sec. 69.50.209. Schedule IV Tests. The state board of pharmacy shall place a substance in Schedule IV if it finds that:

(1) the substance has a low potential for abuse relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

*NEW SECTION.* Sec. 69.50.210. Schedule IV. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Barbital;
- (2) Chloral betaine;
- (3) Chloral hydrate;
- (4) Ethchlorvynol;
- (5) Ethinamate;
- (6) Methohexital;
- (7) Meprobamate;
- (8) Methylphenobarbital;
- (9) Paraldehyde;
- (10) Petrichloral;
- (11) Phenobarbital.

(c) The state board of pharmacy may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

(d) Any liquid cough preparation containing codeine notwithstanding the provisions of 69.50.212 (6)(1) of this act.



**NEW SECTION.** Sec. 69.50.211. Schedule V Tests. The state board of pharmacy shall place a substance in Schedule V if it finds that:

- (1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

**NEW SECTION.** Sec. 69.50.212. Schedule V. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
- (2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;
- (3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

**NEW SECTION.** Sec. 69.50.213. Republishing of Schedules. The state board of pharmacy shall at least semiannually for two years from the effective date of this act and thereafter annually consider the revision of the schedules published pursuant to chapter 34.04 RCW.

#### ARTICLE III REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES

**NEW SECTION.** Sec. 69.50.301. Rules. The state board of pharmacy may promulgate rules and charge reasonable fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

**NEW SECTION.** Sec. 69.50.302. Registration Requirements. (a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the state board of pharmacy in accordance with its rules.

(b) Persons registered by the board under this act to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this act:

- (1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners without an order;
- (2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;
- (3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this act unless the specific exemption is denied pursuant to section 69.50.305 for violation of any provisions of this act.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

**NEW SECTION.** Sec. 69.50.303. Registration. (a) The state board of pharmacy shall register an applicant to manufacture or distribute controlled substances included in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
- (2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this act;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under section 69.50.302(d) of this act, to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this act upon application and payment of the required fee.

**NEW SECTION. Sec. 69.50.304. Revocation and Suspension of Registration.** (a) A registration, or exemption from registration, under section 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this act;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

**NEW SECTION. Sec. 69.50.305. Procedure for Denial, Suspension or Revocation of Registration.** (a) Any registration, or exemption from registration, issued pursuant to the provisions of this act shall not be denied, suspended, or revoked unless the board denies, suspends, or revokes such registration, or exemption from registration, by proceedings consistent with the administrative procedure act, chapter 34.04 RCW.

(b) The board may suspend any registration simultaneously with the institution of proceedings under section 69.50.304, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

**NEW SECTION. Sec. 69.50.306. Records of Registrants.** Persons registered, or exempted from registration under 69.50.302(d), to manufacture, distribute, dispense, or administer controlled substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the state board of pharmacy issues.

**NEW SECTION. Sec. 69.50.307. Order Forms.** Controlled substances in Schedule I and II shall be distributed by a registrant or person exempt from registration under 69.50.302(d) to another registrant, or person exempt from registration under 69.50.302(d), only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

**NEW SECTION. Sec. 69.50.308. Prescriptions.** (a) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner.

(b) In emergency situations, as defined by rule of the state board of pharmacy, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity

with the requirements of section 69.50.306. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under RCW 69.04.560, shall not be dispensed without a written or oral prescription of a practitioner. Any oral prescription must be promptly reduced to writing. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

(d) A valid prescription or lawful order of a practitioner, in order to be effective in legalizing the possession of controlled substances, must be issued in good faith for a legitimate medical purpose by one authorized to prescribe the use of such controlled substance. An order purporting to be a prescription not in the course of professional treatment is not a valid prescription or lawful order of a practitioner within the meaning and intent of this act; and the person who knows or should know that he is filling such an order, as well as the person issuing it, can be charged with a violation of this chapter.

(e) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

**NEW SECTION.** Sec. 69.50.309. Containers. A person to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner, and the owner of any animal for which such controlled substance has been prescribed, sold, or dispensed may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

#### ARTICLE IV OFFENSES AND PENALTIES

**NEW SECTION.** Sec. 69.50.401. Prohibited Acts A—Penalties. (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (d) of this section.

(d) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

**NEW SECTION.** Sec. 69.50.402. Prohibited Acts B—Penalties. (a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of section 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(4) to refuse an entry into any premises for any inspection authorized by this act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

**NEW SECTION.** Sec. 69.50.403. Prohibited Acts C—Penalties. (a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by section 69.50.307 of this act;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To obtain or attempt to obtain a controlled substance, or procure or attempt to procure the administration of a controlled substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or (ii) by forgery or alteration of a prescription or any written order; or (iii) by the concealment of material fact; or (iv) by the use of a false name or the giving of a false address.

(4) To falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(5) To make or utter any false or forged prescription or false or forged written order.

(6) To affix any false or forged label to a package or receptacle containing controlled substances.

(7) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(8) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of such substance, shall not be deemed a privileged communication.

(c) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

**NEW SECTION.** Sec. 69.50.404. Penalties Under Other Laws. Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

**NEW SECTION.** Sec. 69.50.405. Bar to Prosecution. If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

**NEW SECTION.** Sec. 69.50.406. Distribution to Persons Under Age 18. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by section 69.50.401(a)(1)(i), or by both. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by section 69.50.401(a)(1)(ii), (iii), or (iv), or both.

**NEW SECTION.** Sec. 69.50.408. Second or Subsequent Offenses. (a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) This section does not apply to offenses under section 69.50.401(c).

#### ARTICLE V

#### ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

**NEW SECTION.** Sec. 69.50.500. Powers of Enforcement Personnel.

(a) It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of

the United States, of this state, and all other states, relating to controlled substances as defined in this act.

(b) Employees of the Washington state board of pharmacy, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this act.

**NEW SECTION.** Sec. 69.50.501. Administrative Inspections. The state board of pharmacy may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(a) places where persons registered or exempted from registration requirements under this act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When authorized by an administrative inspection warrant issued pursuant to section 69.50.502 of this act an officer or employee designated by the board, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the board may:

(a) inspect and copy records required by this act to be kept;

(b) inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (5) of this section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this act; and

(c) inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with chapter 34.04 RCW, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(a) if the owner, operator, or agent in charge of the controlled premises consents;

(b) in situations presenting imminent danger to health or safety;

(c) in situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or,

(e) in all other situations in which a warrant is not constitutionally required;

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

**NEW SECTION.** Sec. 69.50.502. Warrants for Administrative Inspections. Issuance and execution of administrative inspection warrants shall be as follows:

(1) A judge of a superior court, or a judge of a district court within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this act or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this act or rules hereunder, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer or employee having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(a) state the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(b) be directed to a person authorized by section 69.50.500 to execute it;

(c) command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(d) identify the item or types of property to be seized, if any;

(e) direct that it be served during normal business hours and designate the judge to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a

written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court in which the inspection was made.

**NEW SECTION.** Sec. 69.50.503. Injunctions. (a) The superior courts of this state have jurisdiction to restrain or enjoin violations of this act.

(b) The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

**NEW SECTION.** Sec. 69.50.504. Cooperative Arrangements. The state board of pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

**NEW SECTION.** Sec. 69.50.505. Forfeitures. (a) The following are subject to forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this act;

(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;

(ii) no conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) a conveyance is not subject to forfeiture for a violation of section 69.50.401(c); and,

(iv) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(b) Property subject to forfeiture under this act may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this act;

(3) a board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to subsection (b), proceedings under subsection (d) shall be instituted promptly.

(d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the board or seizing law enforcement agency subject only to the orders and decrees of the superior court having jurisdiction over the forfeiture proceedings. When property is seized under this act, the board or seizing law enforcement agency may:

(1) place the property under seal;

(2) remove the property to a place designated by it; or

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this act the board or seizing law enforcement agency may:

(1) retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this act;

(2) sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau for disposition.

(f) Controlled substances listed in Schedule I, II, III, IV and V that are possessed, transferred, sold, or offered for sale in violation of this act are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(g) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(h) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

**NEW SECTION. Sec. 69.50.506. Burden of Proof; Liabilities.** (a) It is not necessary for the state to negate any exemption or exception in this act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this act, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

(c) No liability is imposed by this act upon any authorized state, county or municipal officer, engaged in the lawful performance of his duties.

**NEW SECTION. Sec. 69.50.507. Judicial Review.** All final determinations, findings and conclusions of the state board of pharmacy under this act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the superior court wherein he resides or in the superior court of Thurston county, such review to be in conformity with the administrative procedure act, chapter 34.04 RCW.

**NEW SECTION. Sec. 69.50.508. Education and Research.** (a) The state board of pharmacy may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(1) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(5) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(6) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(b) The board may encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this act, it may:

(1) establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act;

(ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and,

(iii) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and,

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(c) The board may enter into contracts for educational and research activities without performance bonds.

(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(e) The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

**NEW SECTION.** Sec. 69.50.509. Search and Seizure of Controlled Substances. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, justice of the peace, district court judge or municipal judge that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this act.

#### ARTICLE VI MISCELLANEOUS

**NEW SECTION.** Sec. 69.50.601. Pending Proceedings. (a) Prosecution for any violation of law occurring prior to the effective date of this act is not affected or abated by this act. If the offense being prosecuted is similar to one set out in Article IV of this act, then the penalties under Article IV apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this act.

(c) All administrative proceedings pending under prior laws which are superseded by this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the act. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) The state board of pharmacy shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.

(e) This act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

**NEW SECTION.** Sec. 69.50.602. Continuation of Rules. Any orders and rules promulgated under any law affected by this act and in effect on the effective date of this act and not in conflict with it continue in effect until modified, superseded or repealed.

**NEW SECTION.** Sec. 69.50.603. Uniformity of Interpretation. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

**NEW SECTION.** Sec. 69.50.604. Short Title. This act may be cited as the Uniform Controlled Substances Act.

**NEW SECTION.** Sec. 69.50.605. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

**NEW SECTION.** Sec. 69.50.606. Repealers. The laws specified below 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:

(1) Section 2072, Code of 1881, section 418, chapter 249, Laws of 1909, section 4, chapter 205, Laws of 1963 and RCW 9.91.030;

(2) Section 69.33.220, chapter 27, Laws of 1959, section 7, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.220;

(3) Sections 69.33.230 through 69.33.280, chapter 27, Laws of 1959 and RCW 69.33.230 through 69.33.280;

(4) Section 69.33.290, chapter 27, Laws of 1959, section 1, chapter 97, Laws of 1959 and RCW 69.33.290;

(5) Section 69.33.300, chapter 27, Laws of 1959, section 8, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.300;

(6) Sections 69.33.310 through 69.33.400, chapter 27, Laws of 1959 and RCW 69.33.310 through 69.33.400;

(7) Section 69.33.410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963 and RCW 69.33.410;

(8) Sections 69.33.420 through 69.33.440, 69.33.900 through 69.33.950, chapter 27, Laws of 1959 and RCW 69.33.420 through 69.33.440, 69.33.900 through 69.33.950;

(9) Section 255, chapter 249, Laws of 1909 and RCW 69.40.040;

(10) Section 1, chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939, section 1, chapter 57, Laws of 1945, section 1, chapter 24, Laws of 1955, section 1, chapter 49.



Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.060;

(11) Section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69.40.061;

(12) Section 21, chapter 38, Laws of 1963 and RCW 69.40.063;

(13) Section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070;

(14) Section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075;

(15) Section 1, chapter 205, Laws of 1963 and RCW 69.40.080;

(16) Section 2, chapter 205, Laws of 1963 and RCW 69.40.090;

(17) Section 3, chapter 205, Laws of 1963 and RCW 69.40.100;

(18) Section 11, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.110;

(19) Section 1, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.120; and

(20) Section 1, chapter 80, Laws of 1970 ex. sess.

*NEW SECTION.* Sec. 69.50.607. Effective Date. 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 May 1, 1971.

*NEW SECTION.* Sec. 69.50.608. This act shall constitute a new chapter 69.50 RCW in Title 69 RCW.

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

MOTION

Senator Holman moved that the Senate do not concur in the House amendment to Engrossed Second Substitute Senate Bill No. 146, and that the House be asked to recede therefrom.

Debate ensued.

The motion carried.

MESSAGE FROM THE HOUSE

April 21, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 168 with the following amendments:

On line 7 of the title following "28A.65.170;" strike "and"

On line 8 of the title after "RCW" insert "; and declaring an emergency"

On page 4, line 2 insert a new section as follows:

"*NEW SECTION.* Sec. 4. This 1971 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. MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Francis the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 168, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 20, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 109 with the following amendments:

On line 1 of the title, following "government;" strike the remainder of the title and insert "and school districts; creating a new division in the office of the superintendent of public instruction; prescribing certain powers and duties of certain public officers; adding a new section to 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing effective dates."

On page one after the enacting clause strike the remainder of the bill and insert:

"*NEW SECTION.* Section 1. There is added to chapter 28A.04 RCW a new section to read as follows:

An organization and school plant facilities division of the state office of the superintendent of public instruction is hereby established and required to develop and implement a state schools construction project to be known as the Washington state school building systems project.

*NEW SECTION.* Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

(1) As used in this act "director" means the director of the organization and school plant division of the office of state superintendent of public instruction.

(2) The director shall, subject to the approval of the state board of education, establish reasonable rules and regulations for the proper development and implementation of the school building systems project.

(3) The director, with the approval of the superintendent of public instruction, may employ such other technical and professional assistance as he may see fit, including architectural and engineering firms engaged in private practice who may be employed on a contract basis, and shall cause to be developed and implemented a state school building systems project which will allow flexibility in the use of systems construction procedures to produce schools which will suit the needs of the children of this state, taking into account

- (a) Differences in climatic conditions of the state;
- (b) Differences in size of school enrollment;
- (c) Differences in curricula and educational programs;
- (d) Differences in directional orientation of school buildings;
- (e) Differences in terrain of school sites;
- (f) Differences in various building code requirements of state and local governments.

A board of advisors made up of two educators, two architects, three engineers, (one electrical, one structural, and one mechanical contractor), and one representative from the building trade unions shall be appointed by the state board of education to advise the director regarding the state school building systems project. Advisory committee members shall be reimbursed their expenses on the basis of the allowance provided by RCW 43.03.050 and 43.03.060.

(4) After July 1, 1973, the director shall make the Washington state school building system available to all school districts in the state which may participate in the project on a voluntary basis.

(5) The Washington state school building systems project shall provide the use of building subsystems which shall, insofar as reasonably possible, include, but not be limited to, structure, ceiling and lighting, heating, ventilating and air conditioning, and interior partitions, which shall be produced to meet a performance specification and which may be bid on a state-wide basis for schools participating in the state school building systems project.

(6) The specifications for the state school building systems project shall be prepared with the view toward utilizing system type construction to the fullest extent and toward allowing contractors to utilize to the fullest extent modern industrial techniques of mass production and prefabrication and shall be prepared to encourage uniqueness and individuality of design for the different schools constructed in the state school building systems project.

(7) This state school building systems project shall have an effective date of July 1, 1971, an implementation date of no later than July 1, 1973, and shall continue for a period to end on June 30, 1977. An evaluation of the systems building project including a cost effectiveness analysis comparing systems project schools with nonsystems schools shall be submitted by the director to the legislature no later than February 15, 1977.

**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, every school district board of directors may expend local funds held for capital projects or improvements for improvements on any building owned by a city or county in which the district or any part thereof is located if an agreement is entered into with such city or county whereby the school district receives a beneficial use of such building commensurate to the amount of funds expended thereon by the district."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Washington, the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 109 and asks the House for a conference thereon.

#### MESSAGE FROM THE HOUSE

April 21, 1971.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 3 with the following amendment:

On page 2, line 3 after "Committee;" and before "prior" insert "and the Joint Committee on Higher Education", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 3.

There being no objection, Senator Peterson (Ted) was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 3, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 35; absent or not voting, 5; excused, 9.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Matson, Murray, Odegaard, Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall-35.

Absent or not voting: Senators Connor, Dore, Durkan, McCutcheon, Newschwander-5.

Excused: Senators Atwood, Gardner, Keefe, McDougall, Metcalf, Peterson (Lowell), Peterson (Ted), Twigg, Whetzel-9.

SENATE CONCURRENT RESOLUTION NO. 3, as amended by the House, having received the constitutional majority, was declared passed.

## MESSAGE FROM THE HOUSE

April 21, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 514 with the following amendments:

On page 2, section 3, line 30 of the engrossed bill, being line 28 of the printed bill, after "be" insert "certified or"

On page 5, section 10, line 8 of the engrossed bill, being line 6 of the printed bill, after "state" insert "": PROVIDED, That the hearing provided for in this section shall not be available except as may be constitutionally required if a hearing on the legality of arrest has been held pursuant to sections 13 or 14 of this 1971 act"

On page 13, section 30, line 9 of the engrossed bill, being line 17 of the amendment to page 12, line 24 of the printed bill, after "PROVIDED," strike everything down to and including "maintenance" on line 13 and insert "That, before honoring such demand the governor shall require proof of a duty of support arising from a support order based upon competent jurisdiction over the obligor", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

Senator Holman moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 514.

## POINT OF INQUIRY

Senator Woodall: "Would Senator Holman yield? Senator, for the record, I take it it is your observation that this amendment is not designed to allow extradition prior to a determination of a debt owing by a court of competent jurisdiction. In other words, a man could not be extradited to another state merely on a complaint but it would have to be after there had been a determination of a duty responsibility owing."

Senator Holman: "That is correct, and the determination in the other state would have to be constitutionally justified."

The motion by Senator Holman carried.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 514, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 7; excused, 9.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Matson, Odegaard, Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall—33.

Absent or not voting: Senators Connor, Dore, Durkan, Elicker, McCutcheon, Murray, Newschwander—7.

Excused: Senators Atwood, Gardner, Keefe, McDougall, Metcalf, Peterson (Lowell), Peterson (Ted), Twigg, Whetzel—9.

ENGROSSED SENATE BILL NO. 514, 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 SUBSTITUTE HOUSE BILL NO. 283, by Committee on Revenue and Taxation:

Providing an act relating to revenue and taxation.

Referred to Committee on Ways and Means—Revenue and Taxation.

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

#### SENATE RESOLUTION: 1971-EX-53

By Senators Canfield, Newschwander, Atwood, Durkan, Mardesich, Dore, Andersen and Foley:

WHEREAS, Mrs. Ellen C. Gerth was employed by the Legislative Budget Committee for a period of 16 years; and

WHEREAS, Mrs. Gerth was noted for her loyalty, diligence, perseverance, and devotion; and

WHEREAS, Mrs. Ellen C. Gerth has retired from state employment to a well deserved retirement; and

WHEREAS, The members of the Washington State Legislature wish to express their appreciation to such a devoted and loyal employee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that Ellen C. Gerth be thanked for her conscientious devotion to the Washington State Legislature and the citizens of the state of Washington.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mrs. Ellen C. Gerth by the Secretary of the Senate.

#### MOTIONS

On motion of Senator Greive, the House message on Engrossed House Bill No. 735 was ordered held for consideration on Tuesday, April 27, 1971.

On motion of Senator Greive, the House message on Engrossed Senate Bill No. 183 was ordered held for consideration on Monday, April 26, 1971.

On motion of Senator Andersen, Senator Matson was excused.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 130,

SENATE CONCURRENT RESOLUTION NO. 3.

#### SECOND READING

SENATE BILL NO. 186, by Senator Walgren (by Washington Law Enforcement and Fire Fighters' Retirement Board request):

Amending the law enforcement officers' and fire fighters' retirement system act.

The Senate resumed consideration of Senate Bill No. 186 on second reading.

MOTION

Senator Mardesich moved that the following amendment by Senator Walgren be taken from the table:

On page 12, following section 8, add the following new sections:

"NEW SECTION. Sec. 4. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter.

NEW SECTION. Sec. 5. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

If injury or death results to a member from the deliberate intention of his governmental employer to produce such injury or death, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter."

The motion by Senator Mardesich carried and the amendment by Senator Walgren was taken from the table.

Senator Mardesich moved that Senate Bill No. 186 be ordered to hold its place on the second reading calendar for Monday, April 26, 1971.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Mardesich yield? Is there an effort to hold this bill over beyond Monday? Will this give you time enough to study that amendment?"

Senator Mardesich: "I assume, Senator Bailey, we are having a caucus Monday morning, aren't we? Senator Fleming, there is your answer."

The motion carried. Senate Bill No. 186 was ordered held on the second reading calendar for Monday, April 26, 1971.

SECOND READING

SENATE BILL NO. 52, by Senators Greive, Knoblauch, Peterson (Ted), Talley, Lewis and Keefe (by Legislative Council request):

Providing changes relating to solid waste and providing for solid waste collection districts.

REPORT OF STANDING COMMITTEE

April 22, 1971.

SENATE BILL NO. 52, providing changes relating to solid waste and providing for solid waste collection districts (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090 are each amended to read as follows:

Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operations;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

**NEW SECTION.** Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

Any county legislative authority may establish solid waste collection districts within the county boundaries for the mandatory collection of solid waste. Such districts may be established only after approval of a coordinated, comprehensive solid waste management plan adopted pursuant to chapter 134, Laws of 1969 ex. sess. and chapter 70.95 RCW or pursuant to another solid waste management plan adopted prior to effective date of this 1971 amendatory act or within one year thereafter. The legislative authority of the county may modify or dissolve such district after a hearing as provided for in this 1971 amendatory act.

**NEW SECTION.** Sec. 3. There is added to chapter 36.32 RCW a new section to read as follows:

The county legislative authority proposing to establish a solid waste collection district or to modify or dissolve an existing solid waste collection district shall conduct a hearing at the time and place specified in a notice published at least once not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property, or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public and the legislative authority shall hear objections from any person affected by the formation of the solid waste collection district and make such changes in the boundaries of the district or any other modifications of plans that the legislative authority deems necessary.

**NEW SECTION.** Sec. 4. There is added to chapter 36.32 RCW a new section to read as follows:

No solid waste collection district shall be established in an area within the county boundaries unless the county legislative authority, after the hearing regarding formation of such district, determines from that hearing that the area needs service or that service is not adequate within the area. Such determination by the county legislative authority shall require the utilities and transportation commission to investigate and make a finding as to the adequacy of the service in the area.

If the utilities and transportation commission finds that service within the area is inadequate, it may require any garbage and refuse collection company possessing a certificate under RCW 81.77.040, to provide adequate service or, in the alternative, the utilities and transportation commission may award the new or additional service to any person fulfilling its qualifications for garbage and refuse collection companies.

If no person accepts the offer for new or additional service offered by the utilities and transportation commission, the county legislative authority may provide county garbage and refuse collection services in the area and charge and collect reasonable fees therefor. The county shall not provide service in any portion of the area found by the utilities and transportation commission to be receiving adequate service from an existing certificated carrier unless the county shall acquire the rights of such existing certificated carrier by purchase or condemnation.

**NEW SECTION.** Sec. 5. In the event that any county or municipality shall extend public solid waste collection service to any area already served by a refuse collection company holding a certificate as required by RCW 81.77.040, it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

**NEW SECTION.** Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

If any garbage and refuse collection company certified by the utilities and transportation commission which operates in any solid waste collection district fails to

collect any fees due and payable to it for garbage and refuse collection services, such company may request the county to collect such fees. Upon the collection of such fees, the county shall pay one-half of the fees actually collected to the garbage and refuse collection company entitled to receive such and shall deposit the remaining one-half in the county general fund.

When the county undertakes to collect such fees as requested by the garbage and refuse collection companies, the county shall be subrogated to all of the rights of such companies. Any such fees which the county fails to collect shall become liens on the real or personal property of the persons owing such fees and the county may take all appropriate legal action to enforce such liens.

**NEW SECTION.** Sec. 7. Nothing contained in the provisions of this 1971 amendatory act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

**NEW SECTION.** Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010;

(2) Sections 2 through 7, chapter 155, Laws of 1933 and RCW 55.04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020.

**NEW SECTION.** Sec. 9. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "collection" strike "districts"

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Twigg, Whetzel.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendment beginning on page 1, striking the remainder of the bill after the enacting clause, was not adopted.

Senator Mardesich moved adoption of the following amendment:

On page 1, after the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090 are each amended to read as follows:

Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

**NEW SECTION.** Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

Any county legislative authority may establish solid waste collection districts within the county boundaries for the mandatory collection of solid waste. Such districts may be established only after approval of a coordinated, comprehensive solid waste management plan adopted pursuant to chapter 134, Laws of 1969 ex. sess. and chapter 70.95 RCW or pursuant to another solid waste management plan adopted prior to effective date of this 1971 amendatory act or within one year thereafter. The legislative authority of the county may modify or dissolve such district after a hearing as provided for in this 1971 amendatory act.

**NEW SECTION.** Sec. 3. There is added to chapter 36.32 RCW a new section to read as follows:

The county legislative authority proposing to establish a solid waste collection district or to modify or dissolve an existing solid waste collection district shall conduct a hearing at

the time and place specified in a notice published at least once not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property, or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public and the legislative authority shall hear objections from any person affected by the formation of the solid waste collection district and make such changes in the boundaries of the district or any other modifications of plans that the legislative authority deems necessary.

**NEW SECTION.** Sec. 4. There is added to chapter 36.32 RCW a new section to read as follows:

No solid waste collection district shall be established in an area within the county boundaries unless the county legislative authority, after the hearing regarding formation of such district, determines from that hearing that mandatory solid waste collection is in the public interest and necessary for the preservation of public health. Such determination by the county legislative authority shall require the utilities and transportation commission to investigate and make a finding as to the ability and willingness of the existing garbage and refuse collection companies servicing the area to provide the required service.

If the utilities and transportation commission finds that the existing garbage and refuse collection company or companies are unable or unwilling to provide the required service it shall proceed to issue a certificate of public need and necessity to any qualified person or corporation in accordance with the provisions of RCW 81.77.040.

The utilities and transportation commission shall notify the county legislative authority within sixty days of its findings and actions and if no qualified garbage and refuse collection company or companies are available in the proposed solid waste collection district, the county legislative authority may provide county garbage and refuse collection services in the area and charge and collect reasonable fees therefor. The county shall not provide service in any portion of the area found by the utilities and transportation commission to be receiving adequate service from an existing certificated carrier unless the county shall acquire the rights of such existing certificated carrier by purchase or condemnation.

**NEW SECTION.** Sec. 5. In the event that any county or municipality shall extend public solid waste collection service to any area already served by a refuse collection company holding a certificate as required by RCW 81.77.040, it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

**NEW SECTION.** Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

If any garbage and refuse collection company certified by the utilities and transportation commission which operates in any solid waste collection district fails to collect any fees due and payable to it for garbage and refuse collection services, such company may request the county to collect such fees. Upon the collection of such fees, the county shall pay one-half of the fees actually collected to the garbage and refuse collection company entitled to receive such and shall deposit the remaining one-half in the county general fund.

When the county undertakes to collect such fees as requested by the garbage and refuse collection companies, the county shall be subrogated to all of the rights of such companies. Any such fees which the county fails to collect shall become liens on the real or personal property of the persons owing such fees and the county may take all appropriate legal action to enforce such liens.

**NEW SECTION.** Sec. 7. Nothing contained in the provisions of this 1971 amendatory act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

**NEW SECTION.** Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010;

(2) Sections 2 through 7, chapter 155, Laws of 1933 and RCW 55.04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020.

**NEW SECTION.** Sec. 9. 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.

#### POINT OF INQUIRY

Senator Gissberg: "Senator Mardesich, would you yield? As I recall the testimony of Jack Rogers of the Association of County Commissioners in the Commerce Committee, had not the House refused to, on one measure, go along with the concept of the county being forced to collect fees for garbage service removal by a private company? Now this bill would require the county to collect a bill from a householder who had not paid his garbage bill to a private garbage carrier and if the county was successful in collecting it, then one-half of that would go into the county general fund and the other half would go to the individual. But I thought a more satisfactory answer to that, rather than putting the county in the garbage



fee collection business, which I do not think it should be in, was to provide with certainty that a lien would extend to the private garbage company for the amount of the service the cost of which was uncollected, a lien against the real property from which the garbage emanated or from where it was hauled. Now why was that not carried? It seemed to me that was the consensus of everybody at the meeting."

Senator Mardesich: "I am not certain as to what you expressed to have been the situation in the House was the situation. At least I am unaware of what it was there. If you will look on page 4, lines 28 through 30 it says 'any such fees which the county fails to collect shall become liens on the real or personal property of the persons owing such fees and the county may take all appropriate legal action to enforce such liens'. Now that, however, is some distinction from what you have suggested.

"What this does is provide that the county shall collect the fees and they shall become, or in any event they may become, a lien on the real property. Now if the House determines that it should like another version of that, I certainly have no objection to it and if the county authorities and the private operators would certainly have no objections to that, to having a lien created by virtue of the existence of their bill. I am sure of that."

Senator Gissberg: "Senator Mardesich, have the representatives of the Association of County Commissioners agreed to the principle that it would be their duty and responsibility to collect the delinquent fees?"

Senator Mardesich: "This is all right as far as they are concerned. Whether they think this is the best way or not, that I could not answer."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Greive yield? On page 2, subsection (a), line 5, this is the amendment that we have on our desks now. Normally this calls for a franchise being issued by the utilities and transportation commission in the respective jurisdictions, including the name of the holder and the franchise. Now, are we going opposite to what normal law is and normal procedures? In a county the county gives the utilities the right to occupy the right-of-way on county roads. Here we are doing something that we are putting the state into the issuing of the franchise when actually it should be county business."

Senator Greive: "I am told that if you have a franchise from the state you can borrow a number of times your net worth because the franchise itself, like a liquor license, is worth a lot of money and these men in the business are strung way out. In other words, they have a lot of equipment and they borrowed on the strength of the franchise and in any way to interfere with the franchise or play around with it might spell financial doom or ruin for a number of the private operators in this field.

"So if you are going to have private operators you just about have to go with what they have and are accustomed to because if you turn it back to the counties some may have it and some may not.

"Now the other reason is that in one or two cases, as I understand it, these franchises go across county lines, especially in the more remote areas and it just was not feasible for us to turn something back to the county when these men have borrowed money, when they have their territories worked out, and when they have the enforcement, even though the enforcement is not all we would like it to be, when they have the enforcement set up."

Senator Guess: "Senator Greive, I do not quite understand. If this is the case already, why is this new substantive law being put into the act?"

Senator Greive: "The amendment is substantive law applying to those areas where the county can force them to collect. Here is what we had. The counties came in and said, 'We would like to get rid of the private operators basically and get in the business ourselves. Why? Because we feel that there are areas where the collections are not being made.' Now I am not saying that this was the final tenor but this is the first time around, say a year or year and one-half ago. The private operators came in and said, 'We have a substantial investment. We are in the business. We are doing the job, and generally speaking, our work is acceptable.'

"We listened to both sides and little by little we tried to find an area of agreement. The agreements always evolved around how you would make the private operators do the job. This is just one of the devices that we came up with to try and see to it that they do the job. Now whether Senator Mardesich's committee changed it slightly or not I do not know. I do know that the operators have contacted us and the counties have contacted us since and both told us this amendment is acceptable. In other words, I did not get involved in Senator Mardesich's work except that both sides have communicated with me and told me that what he was doing was acceptable."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Mardesich yield? Senator, as my attorney, would you advise that this is new material and does this procedure vary from that which is already in existence? If it is new material, then I want to have an opportunity to talk to the court house in Spokane before we vote on the bill, if I may."

Senator Mardesich: "With respect to what portion of the bill?"

Senator Guess: "Page 2, subsection (5), beginning at line 5. This is the granting of

franchises within the county by the utilities and transportation commission. Now this is a new departure to me for franchise granting. Why should the public utilities commission come into Spokane and grant a franchise when this is normally the county's job?"

Senator Mardesich: "The granting of the franchise is not covered in section 1, which I think you are referring to, at all. This is merely the section which provides for the study and the adoption of a comprehensive plan with respect to the problem of solid waste collection. One of the things they must do is make a summary of what franchises are outstanding and what areas they cover, along with the name and address of the operator, so they can make a determination as to whether or not the franchises granted do in fact service all areas of the county. That is all this section relates to. It does not give anyone any additional authority to grant franchises. That authority still rests with the Washington utilities and transportation commission."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Gissberg yield? Would you care to discuss this further?"

Senator Gissberg: "The first section, and specifically on page 2 where you are looking at the underlined material, that entire first section simply adds some of the things that the county and city management plans shall include and your court house would not be upset about that. At the present time the utilities and transportation commission is the only one which has the authority to grant franchises for collection of garbage disposal to private carriers and there is no change in that in any way. This just simply says to the county and the city you have to know how many franchises are out and what territory they cover, in order that they can make a judgment as to whether or not they should set up the mandatory solid waste disposal districts.

"Now the part in section 2 and 3 and section 4 is new material. I would suggest if you want to call your court house, you ought to call your court house about section 4. This puts them in the fee collection business. Jack Rogers who represents the association of county commissioners says he has no objection to it."

Senator Guess: "Okay. Thank you very much."

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Mardesich yield? Senator, I have two questions, one of which relates to what Senator Guess has been inquiring into and I am referring to page 3 and the paragraph starting on line 23. Does not this paragraph say that if the state commission finds that a company is not doing a good job somewhere, it can certify any other company it wants to provide these services within a county with or without the consent or approval of the county commissioners regarding the particular company that the commission chose to certify?"

Senator Mardesich: "First of all the county must make a finding that there is a need for mandatory service, that there is a need for service somewhere. The county then takes the position that 'We are going to demand this mandatory service.' Then they would have hearings and a factual determination that there is in fact an area that is not properly serviced. Then the next burden falls to the Washington Utilities and Transportation Commission since they are the ones presently authorized to make a determination. If the Commission then finds that in fact there is an inadequacy of service, then the Commission shall direct them to provide satisfactory service, or if there is no franchise, will expand their franchise to include the area and say to them, 'Do you want to take this new area?' The private company who is already in that general area may decide, 'We do not want that extra area.' The Commission can then make a determination that there is still necessary garbage service that should be rendered and call for anyone else to make an offer to carry on the solid waste collection service in that area.

"At that point the Commission could issue a new franchise in that area. The private operator who is already in the area, not deciding to render better service in that area, or deciding that he does not want the additional area, he can refuse.

"The Commission can then issue the franchise to the new man. Then if no one wants to take that new area, then the county can say, if no one apparently wants to render the service, the county itself may then render the service. At that point, if they infringe on the franchise area of another private operator, and the county decides that it does want mandatory service, which this bill directs, even under the private operator, then the county can go into the business itself. If it does so then it has the obligation to carry on a condemnation action with respect to the facilities of the private operator in the area."

#### POINT OF INQUIRY

Senator Wilson: "Senator Mardesich, however, and nowhere along the line of this process as I understand it, can the county commissioners say, 'We do not want this company providing this service in our county'. Perhaps because of some previous experience they had had with the company. Is that correct?"

Senator Mardesich: "They can make a finding that service is inadequate."

Senator Wilson: "Who can?"

Senator Mardesich: "The county commissioners. Then they ask the utilities and transportation commission to investigate the facts. They say, 'We find that on the basis of the facts and testimony presented at the hearing, that the solid waste collection service is inadequate. At that point then it is incumbent on the Washington Utilities and Transportation Commission to investigate those facts and if they determine that that is the situation, then the Commission must ask that private operator to render the service asked for by the county. If he declines, then the county can go into the mandatory collection.'"

Senator Wilson: "If the Commission feels that the company is doing a good job and the county commissioners do not, for example."

Senator Mardesich: "Then there would be a dispute as to the facts apparently and the Washington Utilities and Transportation Commission would be the final authority."

Senator Wilson: "Its decision would prevail?"

Senator Mardesich: "Right."

Senator Wilson: "My second question, Senator, in section 1, pertaining to solid waste management plan. Is each county and each city required to submit such plans, whether or not they intend to go into the garbage business themselves and regardless of whether they might have the financial resources to have such a plan developed?"

Senator Mardesich: "That is in fact the law today. All that this bill adds are provisos on page 2 which indicate what matter they should incorporate within that study. That would be a current inventory of the solid waste collection company and so on. In other words, this is saying that you must include this information within the study. Otherwise you obviously have not made an adequate study if you do not even know what franchises are outstanding and what areas they cover. That is the law today and the second part of section 1, the new underlined matter at the beginning of page 2 merely sets out some particular facts or factual findings that they must make."

#### POINT OF INQUIRY

Senator Clarke: "Would Senator Mardesich yield? Senator, I would like a clarification of this term 'mandatory collection'. Now does that mean that the service is to be mandatorily available or does that mean that a resident is required to take such service? In other words, we know that in connection, for instance, with sewers, that you have to connect up and if you do not you still have to pay a fee.

"Now I assume that under your amendment, insofar as an individual resident is concerned, he still has the option as to whether he wants to take or reject this service and if he wants to reject it, he does not have to take it and does not have to pay for it. Am I correct in that?"

Senator Greive: "Senator Mardesich has suggested that I answer your question. As a practical matter, this is up to the plan as adopted by the county. In other words, the county can do it either way. Here is the problem we had when we were conducting the hearings. They would give us all kinds of remote areas where nobody would take collection, King county is a good example.

"Some of these more remote areas have their own private dumps. They are unsupervised and everybody in the neighborhood puts the waste out there. They say they have rats and all of the bad things that go with it, DeSpain, from the King county engineers, was the man that came to us and kept saying 'we have to do something about these areas'. So we said all right, you adopt the plan and you decide what you want in the plan but if you do, make sure the man can make a living by giving him mandatory collection. So it may be either way."

#### POINT OF INQUIRY

Senator Donohue: "Would Senator Mardesich yield? Senator, I too am concerned about the new language in section 2. I am thinking particularly of the rural areas. When we talk about solid waste in farm areas we are talking about old machinery, and so forth that is out in the countryside. Would it be true then that if a plan were adopted by the county, could the county impose mandatory collections and require that a farmer pay the fees to do away with these particular areas on farms?"

Senator Mardesich: "The county could not make that decision on its own. The county would have to make a finding, first of all, that there is a problem, and then that problem would be referred to the Washington Utilities and Transportation Commission for review and further determination as to whether or not mandatory collection, as explained by Senator Greive."

Senator Donohue: "But it is true that this could happen after it was reviewed by the utilities and transportation commission?"

Senator Mardesich: "That could happen today, Senator Donohue."

## POINT OF INQUIRY

Senator Lewis: "Would Senator Mardesich yield? Senator, if we were to take a hypothetical case of a garbage company in an area that had limited patronage and the county were to insist that this company were to service the homes and the Utilities and Transportation Commission investigated and made the finding that the companies were not willing to provide the service. As I read sections 4, 5 and 6, it appears to me that if, the way the bill is drafted, the county decided to let another private utility who was willing come in and take over that area, that the private operator who had had that area would not have the recourse provided in section 5 unless it were a public solid waste collection service that would take over. He would therefore lose that operating authority and have no recourse to a suit under the provisions of section 5 because it refers only to a public solid waste collection agency.

"In other words, I am saying that he probably has a value there of long standing but he feels that it is economically not feasible or he does not have the revenue to move into the area even though it is growing, until it grows to a certain point but the county and the public service commission could arbitrarily say that he must serve. Senator Mardesich, what I am saying is that it does not appear clear. I would like to hold it over unless you can satisfy this."

Senator Mardesich: "Senator Lewis, I think the answer would be that, on the basis of pure logic, it would not be the position of the Washington Utilities and Transportation Commission to franchise a company and then proceed to drive them into financial ruin. In fact they would, if higher fees were necessary in a particular area to sustain a solid waste disposal collection, authorize the fees in that area. If the private operator was unwilling to extend to that area, then they could give the franchise to a new operator. If they found that no one was willing to extend into that new area, then the county could go into the area, under a mandatory collection system. The only instance where there would be a need for the condemnation procedure would be in that instance where there was the extension or the takeover by the county in an area already franchised to an operator. But if he were doing very little or no collection in that area, he would have nothing to give up."

Senator Lewis: "Take for example, today though. I understand that these operating authorities can be granted even though services are not rendered in the entire area, but in the bulk of the area. That authority has a value and if I have an authority for an area and then I choose not to go out and service that area because I do not believe it is economically feasible, I choose not to make the capital investment. What you are saying is that because I, in my best business judgment, elect not to service the area today, therefore you can take it away from me."

Senator Mardesich: "No, they can do that today. That is the purpose of a franchise. By giving you a franchise they are saying to you, 'We are giving you this area and you must render the service and upon your failure to render the service, the Washington Utilities and Transportation Commission can take that authority away from you.' They have that authority today."

## POINT OF INQUIRY

Senator Guess: "Would Senator Greive yield? Senator, I would say then; normally the public utilities commission will set fees. Are they going to do this in this case?"

Senator Greive: "I do not think there is any question that they are going to implement it. But you have to have an escape valve. The private operators are the last people who wanted the county in but they kept saying, 'Yes, but there are some areas where there is no way you will ever come out.' As I interpret it, they wanted the authority just to move the private operators out and so what they said was, 'Our protection is the public service commission. We do not want some county commissioners at some election to get a majority and suddenly force us out in the county. We want to have some place else we can go.'"

Senator Guess: "Thank you, Senator Greive."

The motion carried and the amendment by Senator Mardesich 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 Senate Bill No. 52 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. 52, and the bill passed the Senate by the following vote: Yeas, 34; nays, 3; absent or not voting, 3; excused, 9.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly,

Knoblauch, Lewis, McCutcheon, Mardesich, Murray, Odegaard, Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—34.

Voting nay: Senators Andersen, Atwood, Clarke—3.

Absent or not voting: Senators Durkan, Newschwander, Stender—3.

Excused: Senators Gardner, Keefe, McDougall, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Twigg, Whetzel—9.

ENGROSSED SENATE BILL NO. 52, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE JOINT MEMORIAL NO. 7, by Senators Dore and Holman:

Petitioning Congress to create a new circuit of the United States Court of Appeals to be centered in Seattle.

The memorial was read the second time in full.

On motion of Senator Dore, the rules were suspended, Senate Joint Memorial No. 7 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

#### MOTION

On motion of Senator Andersen, Senator Stender was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 7, and the memorial passed the Senate by the following vote: Yeas, 35; absent or not voting, 4; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson, Woodall—35.

Absent or not voting: Senators Durkan, McCutcheon, Newschwander, Scott—4.

Excused: Senators Gardner, Keefe, McDougall, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Twigg, Whetzel—10.

SENATE JOINT MEMORIAL NO. 7, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 12, by Senators Fleming, Gardner, Stortini and Ridder:

Regarding medical and health care.

#### MOTION

On motion of Senator Day, Substitute Senate Joint Memorial No. 12 was substituted for Senate Joint Memorial No. 12 and the substitute memorial was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Joint Memorial No. 12 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 Substitute Senate Joint Memorial

No. 12, and the memorial passed the Senate by the following vote: Yeas, 33; absent or not voting, 6; excused, 10.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—33.

Absent or not voting: Senators Andersen, Durkan, Elicker, Guess, McCutcheon, Newschwander—6.

Excused: Senators Gardner, Keefe, McDougall, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Twigg, Whetzel—10.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 12, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Greive, Senate Bill No. 696 was ordered to hold its place on the second reading calendar for Monday, April 26, 1971.

#### SECOND READING

SENATE BILL NO. 542, by Senators Whetzel, Talley and Clarke:

Providing that sewer districts may include within their boundaries parts of more than one county.

#### MOTIONS

On motion of Senator Clarke, Substitute Senate Bill No. 542 was substituted for Senate Bill No. 542, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Clarke, the following amendment by Senator Whetzel was adopted:

On page 10 of the substitute bill, beginning on line 11 with "Sec. 11." strike all material down to and including "decision" on page 12, line 7, and insert the following:

"Sec. 11. Section 32, chapter 210, Laws of 1941 as last amended by section 125, chapter 81, Laws of 1971 and RCW 56.20.080 are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which [such sewer district] *the real property* is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference

over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision."

On motion of Senator Talley, the following amendment by Senator Whetzel to the title was adopted:

On line 23 of the title, strike "amended by section 2, chapter 40, Laws of 1965 ex. sess." and insert "last amended by section 125, chapter 81, Laws of 1971"

(NOTE: The purpose of these two amendments is to update the language which section 11 of this bill would amend. SB 122, which has passed both houses and has been signed by the governor, added references to the newly created court of appeals to appropriate sections of the Code. RCW 56.20.080, amended by section 11 of SSB 542 was one of these sections.)

On motion of Senator Talley, the rules were suspended, Engrossed Substitute Senate Bill No. 542 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. 542, and the bill passed the Senate by the following vote: Yeas, 34; absent or not voting, 5; excused, 10.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Mardesich, Murray, Odegard, Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—34.

Absent or not voting: Senators Atwood, Durkan, Lewis, McCutcheon, Newschwander—5.

Excused: Senators Gardner, Keefe, McDougall, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Twigg, Whetzel—10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 542, having received the constitutional majority, 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. 295, by Senators Newschwander, Elicker and Greive (by Joint Committee on Governmental Cooperation and departmental request):

Authorizing board of health to set expiration dates for boarding homes, nursing homes, hospitals and private establishments.

The bill was read the second time by sections.

On motion of Senator Elicker, the rules were suspended, Senate Bill No. 295 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. 295, and the bill passed the Senate by the following vote: Yeas, 33; absent or not voting, 6; excused, 10.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Mardesich, Murray, Odegaard, Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—33.

Absent or not voting: Senators Connor, Durkan, Fleming, Lewis, McCutcheon, Newschwander—6.

Excused: Senators Gardner, Keefe, McDougall, Matson, Metcalf, Peterson (Lowell), Peterson (Ted), Stender, Twigg, Whetzel—10.

SENATE 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.

## MOTION

On motion of Senator Ridder, Senator Dore was excused.

SENATE BILL NO. 796, by Senators Ridder, Woodall, Connor and Scott (by Attorney General request):

Enacting a "collection agency act."

## MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 796 was substituted for Senate Bill No. 796, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Gissberg, Substitute Senate Bill No. 796 was ordered held on the second reading calendar for Monday, April 26, 1971.

## SECOND READING

SENATE BILL NO. 792, by Senators Gissberg, Scott, Ridder and Peterson (Ted) (by Attorney General request):

Pertaining to consumer protection class actions.

The bill was read the second time by sections.

Senator Gissberg moved adoption of the following amendment:

On page 1, line 22, following "court" insert the following:

*"PROVIDED FURTHER, That printers, publishers and broadcasters shall not be subject to liability for advertising under RCW 19.86.020 unless they have knowledge of the unfairness or deceptiveness of the advertisement!"*

## POINT OF INQUIRY

Senator Canfield: "Will Senator Gissberg yield? Senator, I know that when some magazines carry advertisements, they guarantee the truth of their advertising. Apparently they make some kind of research into their advertisers so they can make a reasonable guarantee and if the advertisers do not make good, then the newspaper or the magazine itself takes action against them. Why are we setting up a special privilege class for newspapers, magazines, radios, television and so forth?"

Senator Gissberg: "It is a policy decision that you now have to make as to whether or not you wish to do this. The type of magazine that you are talking about, that guarantees the products they are selling, or their advertisers, I do not think this would touch at all. It would not let them off because they are, in effect, entering into a contract of guarantee with their readers who accept that offer so that I do not think that this would touch that guarantee."



"I think it goes far beyond that. But you have the situation where somebody is advertising in the morning paper or the evening paper or any magazine. They send in the ads to the copywriter and how can the newspaper or the magazine which is not engaging in the type of business that you have just described, know that the advertising is or does constitute 'an unfair method of competition, an unfair or deceptive act or practice'. How can the man that is looking at that copy in the advertising department know that that is the case?"

"At this posture of the law, it is such that whether they know it or not they are liable. The newspaper itself is liable. I do not think that that was the intention when we first passed the consumer protection act. We tried to get at the culprit. We are trying to get at the man who is doing this, not the one who is innocently, so to speak, conveying the message through the communications media. But nonetheless the law now does place a high degree of responsibility and potential liability to that news media, even though they innocently publish an advertisement from one which does constitute an unfair method of competition, and so forth.

"That is a policy decision you have to make right now, as to whether or not you believe that they are in some special class or whether you think the prevailing public interest is so great that you should require the newspapers to take that chance and by taking the chance then, investigate before they will take the advertisement so as to protect the consuming public and put the burden on them and keep the burden on them. Now that is the question you have to decide."

Senator Canfield: "Do you know of any newspapers and these other media that use a disclaimer method of protecting themselves? Would that give any kind of reasonable protection to both the consumer and to the newspaper?"

Senator Gissberg: "I do not understand what you mean by a disclaimer."

Senator Canfield: "I mentioned a moment ago that some magazines do protect the consumers by guaranteeing the truthfulness of the advertisement. Now supposing they put in a statement to the effect that 'We specifically do not guarantee the truth or accuracy of these advertisements.' Would that take them off the hook?"

Senator Gissberg: "No, it would not. That would be a self-serving statement that would not cut across the law as it now exists. It would not do so."

Senator Canfield: "I am a little concerned with this drive for consumer protection. I am in favor of consumer protection, I think nearly everyone is as long as they do not go to ridiculous extremes and these class actions really bug me. I do not know how the attorneys feel about them. They are generally in favor, are they, Senator Gissberg? In favor of class actions, or is that an unfair question?"

Senator Gissberg: "No, I do not think it is an unfair question. It is a good question. That is quite a different question, however, than the subject that we are now dealing with in the amendment. The amendment seeks to go the other way and remove from the present consumer protection act potential liability to a special class of industry for the reason that I just suggested.

"With respect to your inquiry as to whether attorneys favor class actions, some do, some do not. For instance, the attorneys for Montgomery Wards, J. C. Penny, Sears Roebuck and many others, those attorneys do not favor class actions because they know that if their clients are engaging in an unfair method of competition or an unfair practice and the consuming public is only damaged to the extent of five dollars, they know that they are not going to be sued. No attorney in his right mind is going to sue for that five dollars, representing one client. But under the class action method, if the attorney, through the court proceedings which are available now, can represent, instead of one client damaged by five dollars, a million clients who have been damaged by an unfair trade practice, then to that extent I believe that the consuming public is protected and that the unfair practice which the company is engaging in will be stopped in a hurry. To that extent, if the lawyer is on that side of the fence, yes, then he does and he is speaking in the public interest at that point.

"On the other hand, in our committee hearings, industry groups, the companies that I just mentioned—I do not think it is improper to mention who they were—came before the committee and proposed numerous amendments and I would suspect that maybe they are going to be offered on Monday by Senator Guess, which would substantially go in the other direction and would go backwards insofar as the consumer protection matter is concerned with respect to the fees and so forth. The committee considered those amendments but in its wisdom did not adopt them, feeling that we would be going the opposite direction.

"I do not know whether I have answered your questions or not but with respect to this amendment at least, I am supporting it at this point because I just do not feel that the communications media is in a position to adequately grapple with this problem at the time they are writing an ad and I do not believe that they should have to."

Senator Mardesich moved adoption of the following amendment to the amendment by Senator Gissberg:

In the amendment by Senator Gissberg, after "advertisement" and before the period, insert the following: "Or should have reasonably questioned its unfairness or deceptiveness"

Debate ensued.

On motion of Senator Scott, the amendment to the amendment by Senator Mardesich was laid upon the table on a rising vote.

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

## MOTIONS

On motion of Senator Guess, Senate Bill No. 792, as amended, was ordered to hold its place on the second reading calendar for Monday, April 26, 1971.

At 1:00 p.m., on motion of Senator Greive, the Senate adjourned until 12:00 noon, Monday, April 26, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FORTY-SIXTH DAY

## NOON SESSION

Senate Chamber, Olympia, Wash., Monday, April 26, 1971.

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 Dore, Durkan, Huntley, Keefe, Peterson (Lowell) and Walgren. On motion of Senator Knoblauch, Senators Durkan, Keefe, Peterson (Lowell) and Walgren were excused. On motion of Senator McDougall, Senator Huntley was excused. On motion of Senator Bailey, Senator Dore was excused.

The Color Guard, consisting of Pages Barbara Hopp, Color Bearer, and Steve Armstrong, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, from everlasting to everlasting, Thou art God. Let Thy work appear unto Thy servants, and Thy glory upon their children. And let the beauty of the Lord our God be upon us. Establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it. Our Father God, as we are about to begin another week, we would first thank Thee for the Gospel of Work; for work to do and for health of body and soundness of mind to do the work. We invoke now the sending forth of Thy light and truth to guide the presiding officer and the members of this Upper House this day. We pray for Thy wisdom in their thinking, for Thy Spirit in their attitudes, and that Thy will be done in their actions, to the glory of Thy Name and for the greatest good of our great commonwealth, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

April 7, 1971.

SENATE BILL NO. 767, increasing license fees for hospitals, nursing homes, boarding homes and private establishments (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Holman, McCutcheon.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

SENATE BILL NO. 849, pertaining to taxation of timber and forest lands (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 849 be substituted therefor and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Andersen, Bailey, Canfield, Donohue, Elicker, Fleming, Holman, Jolly, Lewis, Metcalf, Newschwander, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, providing for the taxation of mobile homes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Guess, Jolly, Lewis, Metcalf, Peterson (Ted), Sandison, Stortini, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 16, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, lowering the age to eighteen years from twenty-one years for certain purposes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Francis, Greive, Holman, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 20, 1971.

ENGROSSED HOUSE BILL NO. 620, reducing the number of justices of the peace in Grant county to one (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Twigg, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

ENGROSSED HOUSE BILL NO. 816, providing for insurance and health care programs for state employees and officials (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, McCutcheon, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

ENGROSSED HOUSE BILL NO. 888, pertaining to application of business and occupation taxes to nuclear fuel assemblies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Guess, Jolly, Lewis, Metcalf, Odegaard, Ridder, Stortini, Talley, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 915, authorizing special programs to provide social and health services for welfare recipients (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, McCutcheon, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

HOUSE BILL NO. 992, implementing law relating to the prevention of air pollution (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, McCutcheon, Newschwander, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

HOUSE BILL NO. 1034, providing for forest protection (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Holman, Huntley, Jolly, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

## LETTER OF INFORMATION

April 26, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Senate Committee on Revenue and Taxation into the full Committee on Ways and Means:

SENATE BILL NO. 920: Making use tax applicable to any article of tangible personal property on display for six months or more.

SUBSTITUTE HOUSE BILL NO. 654: Providing additional powers, duties, and functions to the department of revenue.

ENGROSSED HOUSE BILL NO. 155: Extending open space taxation advantages to airport lands.

SENATE BILL NO. 744: Providing for the taxation of the university tract properties or for payment in lieu thereof.

ENGROSSED HOUSE BILL NO. 543: Changing motor vehicle excise tax collection and distribution provisions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461: Providing penalties for late payment of excise taxes.

Sincerely,  
HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

## MESSAGE FROM THE HOUSE

April 24, 1971.

Mr. President: The Speaker has signed SENATE JOINT MEMORIAL NO. 19, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

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

## SENATE RESOLUTION: 1971-EX-54

By Senator Talley:

WHEREAS, Railpax is to commence rail service May 1, 1971 amid serious controversy over its proposed routes and basic purposes; and

WHEREAS, There are now scheduled to be two daily trains in each direction between Portland and Seattle which will leave Portland at 8 a.m. and 4:30 p.m. and Seattle at 9:30 a.m. and 5:30 p.m. with stops only at Vancouver and Tacoma; and

WHEREAS, The Seattle-San Diego tri-weekly train is scheduled to stop at Kelso when northbound at 2:25 p.m. and to arrive in Seattle at 5:15 p.m. and the only daily Seattle-Chicago train will depart from Seattle at 2:15 p.m.; and

WHEREAS, From the above schedule it will be impossible for persons of the Kelso-Longview area, Kalama, Castle Rock, Cathlamet, Skamokawa, and the other communities between Tacoma and Vancouver to board a train for Chicago or points east unless they take the Northbound California train and wait for twenty-one hours in Seattle; and

WHEREAS, This area of Southwestern Washington does provide sufficient patrons on a daily average basis to warrant another stop and, in addition provides substantially more weekend traffic composed largely of college students; and

WHEREAS, The proposed reduction of train service under Railpax will place greater traffic burdens on the badly overcrowded Interstate 5 highway, and will reduce the work force in our area by 105 persons including several persons from the Kelso depot;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington requests that the Railpax organization, the Interstate Commerce Commission, the Department of Transportation, and the Congressional delegation from the state of Washington reexamine the proposed Railpax schedule and provide for an additional stop at Kelso of the four daily Portland-Seattle trains; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Railpax organization, to the Interstate Commerce Commission, to the Department of Transportation, to the President of the United States Senate, to the Speaker of the House of Representatives and to each member of Congress from the state of Washington.

MOTIONS

On motion of Senator Greive, House Bill No. 270 was made a special order of business immediately following noon recess.

On motion of Senator Talley, Senate Bill No. 373 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

On motion of Senator Bailey, Senate Bill No. 186 was made a special order of business for 2:30 p.m. today.

SECOND READING

SUBSTITUTE SENATE BILL NO. 796, by Senators Ridder, Woodall, Connor and Scott (by Attorney General request):

Enacting a collection agency act.

The Senate resumed consideration of Substitute Senate Bill No. 796 on second reading.

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

On page 3, section 1, beginning on line 1, strike all of subsections (10), (11) and (12).

On page 25, following section 39, beginning on line 30, strike all of sections 40, 41 and 42 and renumber the following sections consecutively.

On page 27, section 48, being renumbered section 45, line 15, after "Agency" strike "and Fair Credit Reporting"

On motion of Senator Gissberg, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "to" and before "the regulation" strike "the extending of credit including", and on line 2 of the title, after "agencies;" strike everything down through and including "reports;" on line 3.

On motion of Senator Gissberg, the rules were suspended, Engrossed Substitute Senate Bill No. 796 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. 796, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Canfield, Stender—2.

Excused: Senators Dore, Durkan, Huntley, Keefe, Peterson (Lowell), Walgren—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 796, having received the 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. 514.

SECOND READING

SENATE BILL NO. 696, by Senators Day, Cooney, Mardesich and Peterson (Ted):

Including chiropractors among insurance health services.

The bill was read the second time by sections.

On motion of Senator Day, the following amendment was adopted:

On page 3, section 1, line 1, after "*chiropractic*" and before the period insert "*and the services of osteopaths and osteopathic physicians and surgeons licensed under RCW 18.57*"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 696 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. 696, and the bill passed the Senate by the following vote: Yeas, 31; nays, 3; absent or not voting, 9; excused, 6.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Wilson, Woodall—31.

Voting nay: Senators Clarke, Newschwander, Whetzel—3.

Absent or not voting: Senators Andersen, Atwood, Canfield, Elicker, Foley, McDougall, Mardesich, Matson, Metcalf—9.

Excused: Senators Dore, Durkan, Huntley, Keefe, Peterson (Lowell), Walgren—6.

ENGROSSED SENATE BILL NO. 696, having received the constitutional 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 Woodall, Senate Bill No. 792 was ordered placed at the end of today's second reading calendar.

#### SECOND READING

SENATE BILL NO. 467, by Senators Henry, Washington and Huntley:

Directing blood analysis of drivers and pedestrians killed in traffic accidents.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 467 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. 467, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 3; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Canfield, Connor, Elicker—3.

Excused: Senators Dore, Durkan, Huntley, Keefe, Peterson (Lowell), Walgren—6.

SENATE BILL NO. 467, having received the 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. 192, by Senators Scott, Ridder and Bailey:  
Providing for the regulation of nonpartisan elections.

REPORT OF STANDING COMMITTEE

April 13, 1971.

SENATE BILL NO. 192, providing for the regulation of nonpartisan elections (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 2, line 21, after "the" and before "superior" insert "court of appeals or of the"

On page 2, section 3, line 10, after "the" and before "superior" insert "court of appeals or of the"

On page 2, section 4, line 28, after "the" and before "superior" insert "court of appeals or of the"

On page 4, section 7, line 1, add the following new section and renumber the remaining section consecutively:

"Sec. 8. 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 are each amended to read as follows:

The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

STATE OF WASHINGTON )  
 ) ss.  
County of )

DECLARATION

I, \_\_\_\_\_, declare upon honor that I am a registered voter residing at No. \_\_\_\_\_ street, \_\_\_\_\_ (city or town of) \_\_\_\_\_ (county of) \_\_\_\_\_, state of Washington, and am legally qualified to assume office if elected; that I hereby declare myself a candidate for nomination to the office of \_\_\_\_\_ or position No. \_\_\_\_\_ for the office of \_\_\_\_\_ (fill in whichever blank is applicable) to be made at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, and hereby request that my name be printed upon the official primary ballots, as provided by law, as a candidate of the (do not fill this in if office sought is nonpartisan) \_\_\_\_\_ party, and I accompany herewith the sum of \_\_\_\_\_ dollars, the fee required by law of me for becoming a candidate.

AFFIDAVIT

FURTHER, I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence, and that I do not knowingly belong to any organization, foreign or otherwise, which engages in or advocates, the overthrow, destruction or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence.

(Please print name to assure correct spelling) \_\_\_\_\_ (Signature of candidate as name is to appear upon ballot)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ (Signature of official) \_\_\_\_\_ (Official title)

Any candidate may in writing withdraw his declaration at any time to and including the [first Wednesday] *second Monday* after the last day allowed for filing declarations of candidacy. Should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is postmarked no later than the last day allowed for withdrawals. There shall be no refund of the filing fee."

On page 4, section 8, (being renumbered section 9) add a new section as follows:

"Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title after "RCW" and before the period insert: "; and declaring an emergency"

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Donohue, Greive, Holman, Mardesich, Matson, Metcalf, Stender, Washington.

The bill was read the second time by sections.

## MOTIONS

On motion of Senator Wilson, the committee amendments were adopted with the exception of the amendment to page 4, section 7, line 1.

On motion of Senator Woodall, the committee amendment to page 4, section 7, line 1 was not adopted.

On motion of Senator Wilson, the title amendment to page 1, line 1 was not adopted.

On motion of Senator Metcalf, Senate Bill No. 192, as amended, was ordered held on the second reading calendar immediately following consideration of House Bill No. 270.

On motion of Senator Woodall, Senate Bill No. 792 was ordered placed at the beginning of the second reading calendar for Tuesday, April 27, 1971.

At 12:35 p.m., on motion of Senator Greive, the Senate recessed until 2:35 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:35 p.m.

## SPECIAL ORDER OF BUSINESS

## THIRD READING

HOUSE BILL NO. 270, by Representatives Barden, Spanton, Litchman and Kilbury (by Joint Committee on Governmental Cooperation request):

Exempting agency vendors of liquor from civil service.

The bill was read the third time and placed on final passage.

## MOTION

On motion of Senator McDougall, Senator Matson was excused.

## POINT OF INQUIRY

Senator Canfield: "Would Senator Walgren yield to a question? Senator Walgren, I am concerned about your definition of what is a liquor vendor. I notice the Senate amendment eliminates the part-time vendors, that is fellows who run a dry goods store, and hardware and things like that. Is this a full-time salesman or a liquor store operator or just what is a liquor vendor?"

Senator Walgren: "The part-time people, that is the people that were selling dry goods and other things besides liquor were never under the law and were never brought in by virtue of the personnel board ruling. This amendment applies only to those persons who the great majority of the time, in fact all the time, are selling liquor on behalf of the state."

Senator Wilson: "I think I asked the same question Saturday, but to refresh my memory, the full-time liquor vendors remain under civil service coverage. Is that correct?"

Senator Walgren: "The full-time liquor vendor was never under civil service coverage. The only reason that we have this bill is because the personnel board, by virtue of an interpretation, stated that they would come under civil service but under the law they never were. But what we are doing here is to specify particularly that they are not under civil service coverage except for the purposes that in case they were fired or something of that nature."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 270, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senator Francis—1.

Excused: Senators Durkan, Huntley, Matson, Peterson (Lowell)—4.



HOUSE BILL NO. 270, 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 seventh order of business.

## SPECIAL ORDER OF BUSINESS

### SECOND READING

SENATE BILL NO. 186, by Senator Walgren (by Washington Law Enforcement Officers' and Fire Fighters' Retirement Board request):

Amending the law enforcement officers' and fire fighters' retirement system act.

The time having arrived, the Senate resumed consideration of Senate Bill No. 186 on second reading.

On motion of Senator Walgren, the following amendment was adopted:

On page 2, line 30, after "system" and before "as" add "and two employer representatives"

On page 6, following section 1, add the following section:

"Sec. 2. Section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050 are each amended to read as follows:

The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. [These additional board members shall serve on the retirement board only for the purposes of administering this chapter.] One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. [These board members shall serve two year terms.] The first board member elected by the law enforcement officer members shall serve for one year only, the first board member elected by the fire fighters shall serve a two year term, and thereafter both shall serve two years unless they cease to be members of the retirement system. In such case there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. *Two additional representatives of counties and cities shall be added to the retirement board. One of these representatives shall be appointed by the Washington State Association of Counties and the other shall be appointed by the Association of Washington Cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional board members shall serve on the retirement board only for the purpose of administering this chapter. These board members shall serve two year terms.* All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose.

On motion of Senator Walgren, the following amendment was adopted being the same amendment laid on the table on April 24, 1971 and on motion of Senator Mardesich, removed from the table:

On page 12, following section 8, add the following new sections:

"NEW SECTION. Sec. 11. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter.

NEW SECTION. Sec. 12. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

If injury or death results to a member from the deliberate intention of his governmental employer to produce such injury or death, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and

also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter."

On line 3 of renumbered section 13, after "from the" and before "intention" strike "deliberate"

On motion of Senator Day, the following amendment to the title was adopted:

On line 5 of the title after "RCW 41.26.080;" insert "amending section 9, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.090;"

On motion of Senator Fleming, the following amendment to the title was adopted:

On line 6 of the title, beginning with "amending" strike all the matter down to and including the semicolon on line 8.

On motion of Senator Stortini, the following amendment to the title was adopted:

On line 18 of the title, after "RCW;" and before "and" insert "adding a new section to chapter 37, Laws of 1970 ex. sess.;"

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 186 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. 186, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-45.

Excused: Senators Durkan, Huntley, Matson, Peterson (Lowell)-4.

ENGROSSED SENATE BILL NO. 186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 192, by Senators Scott, Ridder and Bailey:

Providing for the regulation of nonpartisan elections.

The Senate resumed consideration of Senate Bill No. 192, as amended.

Senator Metcalf moved adoption of the following amendment:

On page 4, section 8, line 2, insert as section 8:

"Sec. 8. Section 1, chapter 85, Laws of 1933 as last amended by section 1, chapter 10, Laws of 1970, 1st ex. sess. and RCW 29.21.150 are each amended to read as follows: The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefore: [PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, and for state superintendent of public instruction, and for directors of first class school districts, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a vote] PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals."

Debate ensued.

### MOTIONS

On motion of Senator Foley, the amendment by Senator Metcalf was laid upon the table.

On motion of Senator Metcalf, Senate Bill No. 192 was ordered placed at the beginning of the second reading calendar for Tuesday, April 27, 1971.

HOUSE BILL NO. 728, by Representatives Thompson, Benitz and Haussler:

Pertaining to taxable status of public property when transferred to private ownerships.

REPORT OF STANDING COMMITTEE

April 21, 1971.

HOUSE BILL NO. 728, pertaining to taxable status of public property when transferred to private ownerships (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 2, line 9, after "ownership by" insert "any exempt organization including the United States of America"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Day, Donohue, Dore, Foley, Francis, Guess, Holman, Huntley, Jolly, Lewis, Mardesich, Peterson (Ted), Ridder, Sandison, Talley, Walgren.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendment was adopted.

On motion of Senator Talley, the rules were suspended, House Bill No. 728, 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. 728, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

HOUSE BILL NO. 728, 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.

SENATE BILL NO. 179, by Senators Whetzel and Francis (by departmental request):

Providing for recovery by the department of social and health services of assistance furnished to an injured public assistance recipient.

REPORT OF STANDING COMMITTEE

February 12, 1971.

SENATE BILL NO. 179, providing for recovery by the department of social and health services of assistance furnished to an injured public assistance recipient (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 25, after the period insert "*If a recovery shall be made and the subrogation or lien is satisfied either in full or in part as a result of an independent action initiated on behalf of a recipient to recover the personal injuries against any tortfeasor or insurer, then and in that event the amount repaid to the state of Washington as a result of said action, whether concluded by entry of a judgment or compromise and settlement, shall bear its proportionate share of attorney's fees and costs incurred by the injured recipient or his widow, children, or dependents, as the case may be, to the extent that such attorney's fees and costs are approved by the court in which the action is initiated, and upon notice to the department which shall have the right to be heard on the matter.*"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 179 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. 179, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Durkan, Lewis—2.

Absent or not voting: Senators Elicker, Herr, Twigg—3.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SENATE BILL NO. 179, having received the 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. 214, by Senators Connor, Ridder and Peterson (Ted):

Providing for approval of facilities, plans and programs for alcoholism and allocating financial assistance.

## REPORT OF STANDING COMMITTEE

March 22, 1971.

SENATE BILL NO. 214, providing for approval of facilities, plans and programs for alcoholism and allocating financial assistance (reported by Committee on Public Institutions):

Recommendation: Do pass with the following amendment:

On page 1, strike all of Sections 2 and 3 and insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 70.96 RCW a new section to read as follows:

Except as hereinafter provided, the secretary of social and health services shall not approve any facility, plan, or program for financial assistance under RCW 70.96.085 unless at least ten percent of the amount expended for such facility, plan or program is provided from local public or private sources. When deemed necessary to maintain public standards of care in the facility, plan, or program, the secretary may require such facility, plan, or program to provide up to fifty percent of the total expended for such program through fees, gifts, contributions or volunteer services, the value of such gifts, contributions and volunteer services to be determined by the secretary.

NEW SECTION. Sec. 3. There is added to chapter 70.96 RCW a new section to read as follows:

In order to be eligible to receive its share of liquor taxes and profits, each city and county shall be required to devote no less than two percent of such share of liquor taxes and profits to the support of an alcoholism program, such program to be approved by the secretary of the state department of social and health services."

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

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. 214 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. 214, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich,

Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Dore, Herr—2.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SENATE BILL NO. 214, having received the 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. 286, by Senator Donohue:  
Implementing professional contracts law for schools.

REPORT OF STANDING COMMITTEE

April 15, 1971.

SENATE BILL NO. 286, implementing professional contracts law for schools (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, section 1, add a new paragraph at the end of the section to read as follows:

*"Employees who do not choose to be reemployed by the district must notify the board, in writing, not later than forty-five days following the latest date for board notification of nonrenewal under subsections (1) or (2) above. If such notification is not timely given by the employee, the employee shall be conclusively presumed to have been reemployed for such next ensuing term."*

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Newschwander, Odegaard, Ridder.

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. 286 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. 286, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senator Gardner—1.

Absent or not voting: Senators Day, Durkan, Fleming, Sandison—4.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SENATE BILL NO. 286, having received the 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. 392, by Senators Gissberg and Metcalf:  
Allowing intergovernmental transfers of surplus property without court order.

REPORT OF STANDING COMMITTEE

March 4, 1971.

SENATE BILL NO. 392, allowing intergovernmental transfers of surplus property without court order (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15, after "concerned" strike the remainder of the section and insert "

[ PROVIDED, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political subdivision thereof concerned, which requests authority to transfer such property.] *No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to the effective date of this 1971 amendatory act shall be considered to be invalid solely because the parties thereto did not comply with the procedures set forth in section 1, chapter 133, Laws of 1953.*"

Signed by: Senators Gissberg, Chairman; Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 392 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. 392, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Herr, Talley—2.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SENATE BILL NO. 392, having received the 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. 436, by Senators Walgren, Andersen and Newschwander:

Placing juvenile drivers under the jurisdiction of any court for certain minor traffic violations.

#### REPORT OF STANDING COMMITTEE

April 20, 1971.

SENATE BILL NO. 436, placing juvenile drivers under the jurisdiction of any court for certain minor traffic violations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 26, after "older" and before the period insert " PROVIDED FURTHER, That any imposition of sentence under the above proviso which shall involve incarceration shall be limited to incarceration in a juvenile detention facility"

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Francis, Holman, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 436 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. 436, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Henry, Herr—2.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SENATE BILL NO. 436, having received the 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. 470, by Senator Francis:

Providing interpreters for those unable to communicate in the English language.

#### MOTIONS

On motion of Senator Gissberg, Substitute Senate Bill No. 470 was substituted for Senate Bill No. 470, 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. 470 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 470, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator Herr—1.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

SENATE BILL NO. 470, having received the 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. 493, by Senator Gissberg:

Clarifying taxing powers of fire protection districts.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No. 493 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. 493, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf,

Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Connor, Donohue—2.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

SENATE BILL NO. 493, having received the 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 24, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 372 with the following amendments:

On page 5, section 7, following line 1 of the engrossed bill, being line 2 of the printed bill, insert a new paragraph as follows:

“Organized competitive event” shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place.”

On page 5, section 10, line 20 of the engrossed bill, being line 21 of the printed bill, after “construed,” strike the remainder of subsection 3

On page 5, section 10, line 24 of the engrossed bill, being line 25 of the printed bill, after “operator” and before “lands” strike “of” and insert “or”

On page 5, section 10, beginning on line 28 of the engrossed bill, being line 29 of the printed bill, strike all of subsection 6 and insert a new subsection as follows:

“(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement, on a wheelbase of forty-two inches or less, which are equipped with wheels of fourteen inches or less rim diameter.”

On page 8, section 16, beginning on line 1 of the engrossed bill, being line 2 of the printed bill, strike “Ten percent each year for the first two years after the effective date of this 1971 amendatory act, and five” and insert “Twenty-five percent each year for the first two years after the effective date of this 1971 amendatory act, and twenty”

On page 8, section 16, line 15 of the engrossed bill, being line 16 of the printed bill, strike “Seventy” and insert “Fifty-five”

On page 8, section 17, line 31 of the engrossed bill, being line 32 of the printed bill, after “endanger the” strike “life or”

On page 9, section 17, line 13 of the engrossed bill, being line 14 of the printed bill, after “bypass” insert “, expansion chamber,”

On page 12, section 27, line 8 of the engrossed bill, being line 9 of the printed bill, strike “seventy” and insert “fifty-five”, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Ridder, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 372.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 372, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 372, 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 23, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 183 with the following amendments:

On line 1 of the title after "liens;" and before "amending" strike "and" and insert "amending section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010; amending section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040;"

On page 1, line 3 of the title, after "60.04.060" insert "; and declaring an effective date"

On page 2, section 1, line 27 before "city" strike "Address," and insert "(Address,"

On page 3, after section 1, add new sections as follows:

"Sec. 2. Section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010 are each amended to read as follows:

Every person performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed, material furnished, or equipment supplied by each, respectively, whether performed, furnished, or supplied at the instance of the owner of the property subject to the lien or his agent; and every registered or licensed contractor, registered or licensed subcontractor, architect, [builder] or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: PROVIDED, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, materialmen, and equipment suppliers, and persons who supply such contractors with provisions, all just dues to such persons or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor. *Contractors or subcontractors required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW shall be deemed the agents of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW covering the period when the work or material shall be furnished, the number of which they shall record, and lien rights shall not be lost by suspension or revocation of registration or license without their knowledge.*

Sec. 3. Section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040 are each amended to read as follows:

Any person who, at the request of the owner of any real property, or his agent, [contractor or subcontractor,] clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, or his agents, [contractor, or subcontractor,] rents, leases, or otherwise supplies equipment, or furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, has a lien upon such real property for the labor performed, the materials furnished, or the equipment supplied for such purposes."

On page 3 add a new section as follows:

"NEW SECTION. Sec. 4. This 1971 amendatory act shall take effect on January 1, 1972," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Gissberg, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 183, and asks the House to recede therefrom.

## SECOND READING

SENATE BILL NO. 525, by Senators Matson, Odgaard and McDougall (by departmental request):

Providing for the adoption of federal regulations concerning meat and poultry inspection.

The bill was read the second time by sections.

On motion of Senator McDougall, the rules were suspended, Senate Bill No. 525 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. 525, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Huntley, Matson, Peterson (Lowell)—3.

SENATE BILL NO. 525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 4:00 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Tuesday, April 27, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, April 27, 1971.

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 Mardesich, Peterson (Lowell) and Ridder. On motion of Senator Knoblauch, Senators Mardesich and Peterson (Lowell) were excused.

The Color Guard, consisting of Pages Ed Aronica, Color Bearer, and Julie Petersen, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"God of our Fathers and our Father God, Thou who art 'closer to us than breathing, nearer than hands and feet', we would begin this new day with a deep sense of gratitude to Thee and of dedication to the tasks committed to us. May we sense Thy presence not only during this moment of prayer but moment by moment throughout the day. May we 'fill each unforgiving minute with sixty seconds worth of distance run' by putting our very best of mind and heart into all that we think and say and do. Forgive our sins. Cleanse our hearts. Renew our wills. Exalt our purposes, through Jesus Christ our Lord. Amen."

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

REPORTS OF STANDING COMMITTEES

April 24, 1971.

ENGROSSED HOUSE BILL NO. 367, prohibiting payment of organizers of petition drives (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Holman, Keefe, Metcalf, Washington, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

ENGROSSED HOUSE BILL NO. 622, amending the municipal revenue bond act (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Elicker, McDougall, Peterson (Ted), Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

ENGROSSED HOUSE BILL NO. 688, making supplemental appropriations to the department of natural resources (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Day, Elicker, Fleming, Francis, Guess, Herr, Holman, Huntley, Peterson (Ted), Ridder, Scott, Talley, Twigg, Walgren, Washington, Wilson, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGES FROM THE HOUSE

April 26, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 130,

SENATE CONCURRENT RESOLUTION NO. 3,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 26, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 262 with the following amendments:

On page 1, line 3 of the title strike everything after "28A.47.440" and insert a period  
On page 2 after section 1, strike all of section 2,  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Durkan, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 262 and asks that the House recede therefrom.

## SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 372

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 927, by Senators Metcalf and Ridder:

An Act relating to revenue and taxation; authorizing school districts to impose a property tax upon income; prescribing powers, duties and functions; adding a new chapter to Title 82 RCW; and providing penalties.

Referred to Committee on Ways and Means—Revenue and Taxation.

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

## SENATE RESOLUTION: 1971-EX-55

By Senator Gissberg:

WHEREAS, There is a paramount public interest in the achievement of both fairness and effectiveness in our criminal justice system; and

WHEREAS, Review of the proceedings of an inferior court by a higher court is one method of attaining such goals; and

WHEREAS, The appellate review of sentences of imprisonment has been proposed as a specific means of insuring the proper functioning of our criminal justice system; and

WHEREAS, Such proposal is before the Legislature in the form of Senate Bill Number 904;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Legislative Council to undertake a study of Senate Bill Number 904 and to determine the effectiveness of such legislation in furthering the interests of society; and

BE IT FURTHER RESOLVED, That the findings and recommendations of the Council on this subject be presented to the next regular session of the Legislature for its consideration.

## MOTION

On motion of Senator Donohue and with the consent of the Senate, the Committee on Ways and Means—Revenue and Taxation was permitted use of the Senate Chamber for a public hearing on Senate Joint Resolution No. 40, beginning at 7:30 this evening.

## SECOND READING

SENATE BILL NO. 192, by Senators Scott, Ridder and Bailey:

Providing for the regulation of nonpartisan elections.

The Senate resumed consideration of Senate Bill No. 192 on second reading as amended on April 26, 1971.

Senator Metcalf moved adoption of the following amendment:

On page 4, section 3, line 2, insert as section 8 and section 9 the following:

"Sec. 8. Section 1, chapter 85, Laws of 1933 as last amended by section 1, chapter 10, Laws of 1970, 1st ex. sess. and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan

position shall appear on the general election ballot under the designation therefor: [Provided, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, and for state superintendent of public instruction, and for directors of first class school districts, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.] *Provided further, that if no more than two candidates file for any such office, no primary shall be held therefor, and the names of candidates that would have been printed upon the primary ballot, but for this proviso, shall be printed on the general election ballot.* Provided further, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals.

Section 9. Section 1, chapter 101, laws of 1955, as last amended by section 2, chapter 10, laws of 1970, 1st ex. session and RCW 29.21.180 are each repealed."

Renumber section 8 of the printed bill as section 10.

MOTION

On motion of Senator Woodall, the amendment by Senator Metcalf was laid upon the table.

On motion of Senator Scott, the rules were suspended, Engrossed Senate Bill No. 192 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. 192, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Murray, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Ridder, Talley—2.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 192, having received the 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 Greive, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

On motion of Senator Guess, Senate Bill No. 792 was ordered placed at the end of the second reading calendar for today.

SECOND READING

SENATE BILL NO. 531, by Senators Newschwander, Odegaard and Canfield (by Superintendent of Public Instruction request):

Providing for publication and sale of state common school code.

REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 531, providing for publication and sale of state common school code (reported by Committee on Education):

**MAJORITY recommendation: Do pass with the following amendments:**

On page 3, section 1, line 3, after "education" and before "shall" strike "from time to time"

On page 4, strike section 2 and 3.

On page 1, line 5 of the title, after "28A.03.030" insert a period and strike the remainder of the title.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender.

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. 531 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 Dore: "Would Senator Newschwander yield to a question? What is your understanding of the cost in the bill? What does that include? Administrative costs and composition costs or just the cost of . . . .?"

Senator Newschwander: "The cost will be the actual cost of the printing and the distribution and it will be prorated amongst the people receiving the code. Just the actual cost of printing and distribution. It will not be the cost of the personnel to—actually it is a statutory matter as there probably would not be much expense of personnel in it."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 531, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Henry, Lewis—2.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 531, having received the 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. 861, by Senators Henry, Washington and Huntley:

Pertaining to the authority to employ, appoint, discipline or discharge employees of the department of highways.

#### REPORT OF STANDING COMMITTEE

March 31, 1971.

SENATE BILL NO. 861, pertaining to the authority to employ, appoint, discipline or discharge employees of the department of highways (reported by Committee on Transportation):

**MAJORITY recommendation: Do pass with the following amendment:**

On page 1, section 1, line 21, strike everything after "highways" in line 21 through "highways" in line 23 and add "the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates"

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Guess, Jolly, Keefe, Knoblauch, Mardesich, Murray, Sandison, Stender, Talley, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No.

861 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. 861, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 861, having received the 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. 865, by Senators Elicker, Talley, Clarke and Greive:

Including legislative authority of charter county in definition of county commissioners.

REPORT OF STANDING COMMITTEE

April 2, 1971.

SENATE BILL NO. 865, including legislative authority of charter county in definition of county commissioners (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, after "law" strike the remainder of the section and insert "shall include the governmental authority empowered to so act under the provisions of a charter adopted by any county of the state."

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, Herr, Peterson (Ted), Ridder, Talley, Walgren.

The bill was read the second time by sections.

On motion of Senator Elicker, the committee amendment was adopted.

On motion of Senator Elicker, the rules were suspended, Engrossed Senate Bill No. 865 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. 865, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Atwood, McCutcheon—2.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 865, having received the 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. 883, by Senators Washington and Jolly:

Providing for payment of weed district assessments on highway lands from motor vehicle fund.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Senate Bill No. 883 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. 883, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45.

Absent or not voting: Senators McCutcheon, Woodall—2.

Excused: Senators Mardesich, Peterson (Lowell)—2.

SENATE BILL NO. 883, having received the 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 CONCURRENT RESOLUTION NO. 16, by Senators Francis and Gardner: Authorizing a study relating to community schools.

The resolution was read the second time in full.

On motion of Senator Metcalf, the following amendment was adopted:

On page 1, line 19, strike all of line 19 and insert "encouraging additional use of school plant and facilities."

On motion of Senator Francis, the rules were suspended, Engrossed Senate Concurrent Resolution No. 16 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 Peterson (Ted): "Would Senator Francis yield? You are talking about the school year. Will this be applied to the summer; during the vacation period would it be open?"

Senator Francis: "The idea is to try to have these facilities open and available as much as possible throughout the year, at nights during the school year, also on weekends during the school year. There have been classes and courses given during the summer also at Lincoln high school. In fact, my wife took a class in painting there. It would apply year round, the idea being to use these facilities which are owned by all of us, not just for the school district to use them but for the entire community to be able to use them."

Senator Peterson (Ted): "It is all schools then?"

Senator Francis: "It would be all public schools that we are thinking about and trying to encourage the use."

Senator Peterson (Ted): "What is the financial impact if you were to be open all summer? That is quite an expense, isn't it?"

Senator Francis: "No, I do not think so. Of course, here we are not committing ourselves to anything. We are just studying the possibility. But the information we have gotten, mostly from Michigan, is that it is very small but this is the kind of thing we are talking about and I think we are going to want to find out more about it."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 16, and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive,



Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45.

Absent or not voting: Senators McCutcheon, Woodall—2.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 16, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Francis, Senate Bill No. 724 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

SECOND READING

SENATE BILL NO. 283, by Senators Gardner, Odegaard and Whetzel (by executive request):

Establishing programs for furloughs for convicted felons.

REPORT OF STANDING COMMITTEE

February 22, 1971.

SENATE BILL NO. 283, establishing programs for furloughs for convicted felons (reported by Committee on Public Institutions):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 2, line 21, after "appropriate" and before the period insert " PROVIDED, That no more than sixty days of furlough shall be granted in any one year"

Signed by: Senators Odegaard, Chairman; Clarke, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment was adopted.

On motion of Senator Odegaard, the rules were suspended, Engrossed Senate Bill No. 283 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. 283, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senator Walgren—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Mardesich, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 283, having received the 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 Gardner, Engrossed Senate Bill No. 283 was ordered immediately transmitted to the House.

On motion of Senator Talley, Senate Bill No. 863 was ordered placed at the beginning of the second reading calendar for Thursday, April 29, 1971.

On motion of Senator Gissberg, Senate Bill No. 360 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

On motion of Senator Guess, Senate Bill No. 792 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

On motion of Senator Greive, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

April 22, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 735 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Greive, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 735 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. 735 and the Senate amendments thereto: Senators Stortini, Stender and Greive.

Senator Greive moved that the Conference Committee appointments be confirmed.

Debate ensued.

The motion carried and the Conference Committee appointments were confirmed on a rising vote with President Cherberg voting "aye".

#### NOTICE OF PROTEST

Senator Lewis served notice that immediately following the noon recess a protest would be placed in the Senate Journal regarding the appointment of the Conference Committee on Engrossed House Bill No. 735.

#### MOTION

At 12:15 p.m., on motion of Senator Greive, 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 McDougall, Senator Murray was excused.

Senators Bailey, Atwood and Gissberg 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 Senators Mardesich, Murray and Peterson (Lowell) who had previously been excused.

MOTION

On motion of Senator Bailey, the Senate dispensed with the Call of the Senate.

SECOND READING

SENATE BILL NO. 582, by Senators Francis, Knoblauch and Lewis (by Department of Social and Health Services request):

Authorizing the issuance of temporary motor vehicle operators' licenses by the department of motor vehicles to parolees under certain circumstances.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, Senate Bill No. 582 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. 582, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senator Talley—1.

Absent or not voting: Senators Foley, Francis, Twigg—3.

Excused: Senators Mardesich, Murray, Peterson (Lowell)—3.

SENATE BILL NO. 582, having received the constitutional 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, Senator Francis was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 688, by Representatives Charette, Wolf, Moon, Schumaker, Bozarth and Barden:

Making supplemental appropriations to the department of natural resources.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 688 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. 688, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Excused: Senators Francis, Mardesich, Murray, Peterson (Lowell)—4.

ENGROSSED HOUSE BILL NO. 688, having received the constitutional 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 Durkan, House Bill No. 1034 was ordered to hold its place on the second reading calendar for Wednesday, April 28, 1971.

#### SECOND READING

SENATE BILL NO. 849, by Senators Durkan and Lewis:  
Pertaining to taxation of timber and forest lands.

#### MOTIONS

On motion of Senator Durkan, Substitute Senate Bill No. 849 was substituted for Senate Bill No. 849, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Durkan, the rules were suspended, Substitute Senate Bill No. 849 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 Durkan yield? Senator, from your remarks, and I appreciate them very much, I am assured then that our counties, and I represent a timber growing county, that our revenue loss from taxes will not occur in the next two years?"

Senator Durkan: "That is correct."

#### POINT OF INQUIRY

Senator Dore: "I wonder if Senator Durkan will yield to some questions? What is the difference basically in the substitute bill and the original bill? What changes were made?"

Senator Durkan: "Generally speaking, between the substitute bill and the Senate bill there was only technical amendments made. Senator Lewis may be able to add to it and I would like him to do so but as far as I am concerned, most of them were technical amendments."

Senator Dore: "There are no substantial changes between the two bills?"

Senator Durkan: "To the best of my knowledge, but I would like Senator Lewis to add to this."

#### POINT OF INQUIRY

Senator Dore: "Are there any substantial changes between the substitute and the original bill?"

Senator Lewis: "The only, and the most significant substantial change, in addition to the technical changes that Senator Durkan described which were primarily definition changes to make more clear the intent of the legislation, the only additional change which was significant was the inclusion of the superintendent of public instruction on the committee, which we felt was a wise decision. The school directors, the Washington Education Association and the superintendent agreed with us and this will provide and make available the staff of the superintendent to make sure that the technical arrangements for the return of revenue will be made."

Senator Dore: "There is none other than you related now, right?"

Senator Lewis: "That is correct."

#### POINT OF INQUIRY

Senator Dore: "May I ask another question, Senator Durkan? Over the next five years, have you made any projections in your study as to any difference in taxes as to what would

raise under the conventional ad valorem system as opposed to the adoption of this system? I understand from your statement the yield has been suggested at six to thirteen percent. Assuming those figures, what would be the difference between money that would be raised if we did not change the system as opposed to what it will be raised under this substitute bill?"

Senator Durkan: "The best judgment we have is based upon the ten million dollars presently raised and over a period of time based as to the ad valorem and the yield tax and, of course, depending upon the rates which will determine that but the yield tax will probably raise somewhere in excess of twenty percent more."

Senator Dore: "Twenty percent more. Now, I do not think you answered my question specifically or maybe I did not ask it right. I did not ask as to what it raises today, but assuming that, projecting the present system five years forward as opposed to projection of this system five years forward, how will it compare? Will it raise the same, will it raise less, or will it raise more?"

Senator Durkan: "It would raise more and the present system would be approximately fourteen million dollars and it would raise approximately—and it could go higher than that but based upon the best judgment that we have on an average rate it would be twenty percent higher than a fourteen million dollar—"

Senator Dore: "In other words, under this bill we will raise approximately twenty percent more revenue the next five years than if we did not adopt this system. Is that correct?"

Senator Durkan: "To the best of our judgment and also dependent upon, it could go higher than that, what rate we set in the bill."

Senator Dore: "What is your answer based on? Is it based on six percent or thirteen percent or what?"

Senator Durkan: "It was based upon, I think, seven percent average which I thought was low."

Senator Dore: "In other words, based on a seven percent average yield tax then over the next five years this bill will raise approximately twenty percent more than if we continued the present system, ad valorem system?"

Senator Durkan: "That is right. It could be more."

Senator Dore: "Then if this is to be more equitable to the owners of timber, why do we adopt this bill which will require them to pay twenty percent more. What is the reason for that?"

Senator Durkan: "Because the aspects of timber is that presently the land owner on a wood lot has to pay the ad valorem tax year after year after year, regardless of the fact that he may never get to harvest it and receive any benefits from it. So under a yield tax theory is that he pays at the time that the yield is made, when the timber is cut. That is the theory behind it."

Senator Dore: "He is going to save money under adoption of that theory. What timber people will pay more to raise the tax income twenty percent?"

Senator Durkan: "Two things. First of all, they are prepared to pay a greater yield based upon the fact that if they do not have to pay constantly until when they yield the timber. They are prepared to pay more. That is the important aspect of it. Secondly, what is more important is that under the 1963 tax manual there are many of us who believe now that the timber tax manual is too low and that the revenue should be more, so they are going to pay more under the yield tax because of that. The rate will be higher."

#### POINT OF INQUIRY

Senator Dore: "Will Senator Lewis yield to one further question? Senator, we were told in the committee meeting the other day there had been study made of comparable tax that would be raised under the existent ad valorem system as opposed to the yield tax as reflected in this bill. Are those studies available? I have not seen any."

Senator Lewis: "Senator Dore, the studies have just been normal projections made by the consultant, and that consultant's study is available to you. We would be glad to submit that to you."

"I would like to make a couple additional comments in regard to that same question. Number one, it was the committee's feeling, and a strong feeling, that there were a number of stands of timber throughout the state that were not included on the ad valorem basis. For example, some counties have been doing an excellent job in cruising old growth timber and getting that on the rolls but we became aware that it was quite possible that some of these counties had missed large acreages of second growth which they were unable to cruise and those values, of course, were not added to the tax rolls and therefore the local taxing districts were unable to receive the benefits of that tax. Under the yield tax system, each cubic foot, board foot, a unit of chips, will be taxed. So the escapement that is possible under the ad valorem system certainly will not be available under the yield tax system."

"In addition to that, I think we should all recognize that those people who have been paying ad valorem taxes on their timber throughout the years, particularly those who have a stand of timber that is approaching maturity or is mature, in a short period of time, will pay a yield tax in addition to the ad valorem tax which they had been paying. So on that basis alone, assuming normal rotations, I think we could look for somewhere between a five and seven percent increase in total taxes from timber almost immediately because of that duplication in taxes which is necessary in the transfer to another system."

"Third, and probably most significant point, Senator Dore, from your standpoint as chairman of the committee on appropriations, is that the legislature will have a handle on the rate of tax every time it meets. This I think you clearly understand in its implications in tax revenue."

Senator Dore: "Senator Lewis, now on testimony before the committee the other day, as I understand under this bill you will still maintain a tax on the land as distinguished from the timber that is taken from the land. Is that correct?"

Senator Lewis: "That is correct."

Senator Dore: "Presently it has been arbitrarily appraised at say fifty or one hundred dollars an acre in some counties. Isn't that right?"

Senator Lewis: "It varies greatly from county to county, Senator Dore, and with classified land and other lands as well."

Senator Dore: "After this bill passes there will be some question as to whether the land underneath the timber has any value at all and I just wonder, is it your intent to at least retain the value of the land the assessors have given it now? In other words, at fifty or one hundred dollars an acre rather than perhaps dropping it to a dollar or two an acre based on its actual value."

Senator Lewis: "The answer to that is that a standard will be set by the revenue department which will be followed by the assessor in defining forest land. The assessor himself, and rightly so, will make the determination of whether the land is forest land or not. Or whether its purpose has a higher and better use. If he makes the determination that it is not forest land, then the land owner has the right to appeal and it falls on his back then to prove that the land is indeed forest land. The net result will be a uniform method of appraising forest land throughout the state, which system we do not have now, where in some counties forest land is valued as low as fifteen dollars an acre and in other counties as high as three hundred, which completely prohibits the operation of long range forest planning and management."

Senator Dore: "I would just like to ask, what is it your intent as a legislator? Is it to have at least the value—I understand the director of revenue will set the standards—but is it your intent as a sponsor that these present values of forest land under the definitions of this bill will have at least as much taxation on the land as it does at the present time?"

Senator Lewis: "Senator Dore, the total tax is a combination of the land tax and the tax on timber. The amount of revenue that we obtain from a forest tax program is based on those two items. It is my intent and it was the intent of the committee, that no taxing district shall suffer any loss of revenue in moving to a yield tax system and I am very confident that we will see substantial increases in the amount of tax borne by the forest industry."

#### POINT OF INQUIRY

Senator Stender: "Will Senator Durkan yield to a further question? Senator, one of the tests of these revised tax systems sometimes is in finding out how the users of the tax dollars that are raised react to it. Do you have anything you can add as to whether the school districts or special taxing districts and those that would normally be concerned about a shift in the taxing program?"

Senator Durkan: "The organizations which represent the common schools support it. Washington Education Association testified before our committee that they support it. The Association of School Superintendents testified before our committee that they support it."

Senators Matson, Newschwander and Lewis demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 849.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 849 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Dore, Gissberg, Mardesich—3.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Francis, Murray, Peterson (Lowell)—3.

SUBSTITUTE SENATE BILL NO. 849, having received the 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, Substitute Senate Bill No. 849 was ordered immediately transmitted to the House.

At 3:45 p.m., on motion of Senator Greive, the Senate adjourned until 10:45 a.m., Wednesday, April 28, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

### FORTY-EIGHTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, April 28, 1971.

The Senate was called to order at 10:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Durkan, Holman, Lewis and Peterson (Lowell). On motion of Senator Keefe, Senator Peterson (Lowell) was excused. On motion of Senator Andersen, Senator Lewis was excused. On motion of Senator Huntley, Senator Holman was excused. On motion of Senator Knoblauch, Senator Durkan was excused.

The Color Guard, consisting of Pages Debbie Campbell, Color Bearer, and Paul Bammert, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"O God of love, Thou hast said that if we were to speak with the combined eloquence of men and angels, we should stir men like a fanfare of trumpets or the crashing of cymbals; but unless we had love, we should do nothing more. O Father of lights, since Thou hast said that love is the fulfilling of the law, then surely we need to invoke the spirit of Thy love upon our legislators that the laws which they are even now enacting be worthy of obedient fulfillment by the citizenry of our state. Pour forth now the spirit of Thy love upon us; the love that is slow to lose patience and that looks for a way of being constructive; the love that is now possessive and does not cherish inflated ideas of its own importance; the love that has good manners and does not pursue selfish advantage. May we this day and all our days, follow the way of love, through Jesus Christ our Lord. Amen."

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

#### REPORTS OF STANDING COMMITTEES

April 28, 1971.

SENATE BILL NO. 18, creating the Washington Insurance Guaranty Association (reported by Committee on Commerce and Regulatory Agencies):

**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Stortini, Twigg, Whetzel.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 89**, requiring second hand dealers to fence or hedge certain parts of their premises (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Gardner, Gissberg, Huntley, Keefe, Walgren, Whetzel.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 235**, regulating prearrangement contracts for burial services or merchandize (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Gissberg, Huntley, Knoblauch, McDougall, Newschwander, Twigg, Walgren, Whetzel.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 428**, providing for a model litter control act (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Walgren, Whetzel.  
Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

**SENATE BILL NO. 451**, licensing of gas appliance installation contractors (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Twigg, Walgren.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 473**, providing that the amount of insurance specified in the contract insuring real property and buildings shall be deemed the true value of such property (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.  
Signed by: Senators Mardesich, Chairman; Cooney, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini, Walgren.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 491**, describing when property insurance may be canceled (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass.  
Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini, Walgren.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 770**, establishing uniform relocation program for eminent domain takings (reported by Committee on State Government):  
**MAJORITY recommendation:** That Substitute Senate Bill No. 770 be substituted therefor and that the substitute bill do pass.  
Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Henry, Jolly, Newschwander.  
Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

**SENATE BILL NO. 798**, relating to cigarette sales (reported by Committee on Commerce and Regulatory Agencies):  
**MAJORITY recommendation:** Do pass as amended.



Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Foley, Gissberg, Keefe, Knoblauch, McDougall, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

SENATE BILL NO. 922, creating a joint committee on governmental cooperation (reported by Committee on State Government):

MAJORITY recommendation: Do pass and refer to the Committee on Ways and Means—Appropriations.

Signed by: Senators Walgren, Chairman; Day, Gardner, Gissberg, Henry, Jolly.

There being no objection, Senate Bill No. 922 was referred to the Committee on Ways and Means—Appropriations.

April 26, 1971.

SENATE CONCURRENT RESOLUTION NO. 28, creating a joint committee on governmental cooperation (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Gardner, Gissberg, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

SENATE CONCURRENT RESOLUTION NO. 29, establishing municipal committee as an interim committee of the legislature (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Gardner, Gissberg, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

ENGROSSED HOUSE BILL NO. 144, providing business and occupation tax deduction for certain computer services (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Dore, Fleming, Foley, Guess, Herr, Jolly, Newschwander, Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senators Elicker, Holman, Odegaard, Scott.

Passed to Committee on Rules and Joint Rules for second reading.

April 26, 1971.

ENGROSSED HOUSE BILL NO. 210, providing that the administrative costs of the law enforcement and firefighters' retirement system are borne by the local government employer units (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Holman, Murray.

Passed to Committee on Rules and Joint Rules for second reading.

April 27, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 219, establishing a program of drug rehabilitation and education (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Francis, Holman, Keefe, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 28, 1971.

HOUSE BILL NO. 441, enabling council on higher education to create state plan for contracting with certain private institutions of higher education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Francis, Gardner, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, providing for the registration and regulation of lobbyists (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

ENGROSSED HOUSE BILL NO. 644, extending liability for penalties for overloading to person controlling loading of the vehicle (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Donohue, Durkan, Elicker, Foley, Huntley, Jolly, Matson, Murray, Scott, Stender, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

#### GUBERNATORIAL APPOINTMENTS

April 27, 1971.

JAMES G. McCURDY, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on March 2, 1967 for the term ending December 31, 1972, succeeding Ted R. McTighe (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Jolly, Lewis, Murray, Whetzel.

Passed to Committee on Rules and Joint Rules.

April 27, 1971.

JAMES W. WHITTAKER, to the position of member of the Parks and Recreation Commission, appointed by the Governor on January 1, 1971 for the term ending December 31, 1976, succeeding himself (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Jolly, Lewis, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules.

April 27, 1971.

THOMAS GARRETT, to the position of member of the Parks and Recreation Commission, appointed by the Governor on January 1, 1971 for the term ending December 31, 1976, succeeding Joe W. Hamel (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Wilson, Chairman; Canfield, Durkan, Jolly, Lewis, Murray, Scott, Whetzel.

Passed to Committee on Rules and Joint Rules.

#### MESSAGE FROM THE HOUSE

April 27, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 514, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Guess, Senate Bill No. 373 was ordered placed on the second reading calendar for today immediately following consideration of Senate Bill No. 724.

#### PERSONAL PRIVILEGE

Senator Stender: "Yesterday the President named me to serve on a Conference Committee to confer with the House on House Bill No. 735. There was a sharp division among the members as to approval of the conferees appointed. My leader, Senator Atwood, found it within his judgment to announce that I did not represent the view of the caucus. It was a statement that I found difficult to understand.

"This morning there was an article in the Post-Intelligencer where Senator Atwood apparently speaks out, stating, 'It was a real rotten thing on their part.' I resent being referred to in this manner. Senator Stortini also is quoted as saying, 'A lot of Democrats are not happy with what happened'.

"I should like to state for the record that I have worked with our state industrial insurance law since 1946. I have been involved in many cases of personal injury under our state workmen's compensation. I have been involved with appeals procedures of the act. I

served on the interim committee on industrial insurance by appointment and confirmation of this body. As a matter of self-appraisal, I probably have had as much and probably a broader background of experience and study in this field than any other member of this body. I am not committed to anyone in any of the current measures. My only commitment is that the present law must be improved in the benefit structure as well as the administration of the law including the appeals procedure. I do trust that the philosophical views will not close out the injured workman's problem. He is the one that is so often forgotten.

"My decision is, therefore, to resign from the Conference Committee. I regret the need to do this, mainly because as I said already this is area which I have worked in for so many years past. I thank those of you who supported me yesterday and I do trust the committee's work, whoever is on it, will be carried forward to success."

PRESIDENT'S REMARKS

The President: "The resignation by Senator Stender has been received and the resignation granted."

MOTION

At 10:55 a.m., on motion of Senator Greive, the Senate recessed until 12:20 p.m.

NOON SESSION

The President called the Senate to order at 12:20 p.m.

MOTION

On motion of Senator Greive, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Thursday, April 29, 1971.

SECOND READING

SENATE BILL NO. 724, by Senator Ridder:  
Implementing laws relating to education.

REPORT OF STANDING COMMITTEE

April 16, 1971.

SENATE BILL NO. 724, implementing laws relating to education (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:  
Strike everything after the enacting clause and insert the following:

"Section 1. Section 28A.01.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.010 are each amended to read as follows:

A school day shall [consist of six hours for all pupils above the third grade, exclusive of an intermission at noon; any board of directors however may fix as a school day for their district a less number of hours than six: PROVIDED, That for pupils in kindergarten the school day shall not be less than three hours, exclusive of an intermission at noon, for pupils in grades one through three the school day shall not be less than four hours, exclusive of an intermission at noon, and for pupils belonging to grades above the third grade the minimum school day shall not be less than five hours, exclusive of an intermission at noon: PROVIDED FURTHER, That for kindergarten purposes an attendance of two hours shall be credited as one-half day. In the absence of any bylaw or order of the board of directors defining the school day for their district, any teacher may dismiss all pupils belonging to grades one through three after an attendance of four hours, exclusive of an intermission at noon] *mean each day of the school year on which pupils enrolled in the common schools of a school district are engaged in educational activity planned by and under the direction of the school district staff, as directed by the administration and board of directors of the district.*

Sec. 2. Section 28A.01.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.025 are each amended to read as follows:

The school year for all matters pertaining to teacher certification or for computing experience in teaching shall consist of not fewer than one hundred eighty school days, *except in those school districts which maintain a school year of fewer days pursuant to section 3 of this 1971 amendatory act.*

Sec. 3. Section 28A.58.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.180 are each amended to read as follows:

All school districts in this state shall maintain school at least one hundred eighty days each school year as defined in RCW 28A.01.020, *except that no school district shall be required to maintain school in excess of the number of days for which it has available revenues from state and local property taxes, county administered funds, K-12 apportionment, state transportation funds, proceeds from the mobile home excise tax, state funds from any separate appropriation for salary improvement purposes, state funds for employee health benefits, state forest funds, proceeds from the public utility district excise tax, federal forest reserve funds, and revenues from Public Law 874. The determination of the availability of such revenues shall be based on a per full time equivalent pupil basis and compared with the total of identical revenues per full time equivalent pupil which the district received during the previous school year. The number of days which school shall be in session shall be reduced proportionate to the reduction in per pupil revenues from the sources enumerated above. This section shall not be deemed a limitation on the duty of the superintendent of public instruction to distribute moneys appropriated by the legislature for apportionment under RCW 28A.41.130 nor shall it be deemed a limitation on the duty of the board of county commissioners of each county to distribute the proceeds of the excise tax on real estate sales pursuant to RCW 28A.44.040 and 28A.45.040.*

**NEW SECTION.** Sec. 4. Sections 2 and 3 of this 1971 amendatory act are 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."

Strike the title and insert the following:

"An Act relating to education; amending section 28A.01.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.010; amending section 28A.01.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.025; amending section 28A.58.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.180; and declaring an emergency."

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Newschwander, Odegaard, Ridder, Washington.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

Senator Atwood moved adoption of the following amendment to the committee amendment by Senators Atwood and Durkan:

Insert as section 4 the following:

"Sec. 4. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent *prior to the 1972-73 school year and ninety percent during the 1972-73 school year and thereafter* of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, [That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER,] That the funds otherwise distributable under this section to any school district for any year [other than the calendar years 1968 and 1969] shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent *prior to the 1972-73 school year and ninety percent during the 1972-73 school year and thereafter* of the maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

(4) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(5) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110;

(6) Eighty-five percent of such other available revenues as the superintendent of

public instruction may deem appropriate for consideration in computing state equalization support."

Renumber old section 4 of the amendment as section 5.

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Atwood yield? Senator, is this the first year of the biennium or the second year of the biennium or both?"

Senator Atwood: "I believe it is both."

Senator Odegaard: "Would not this cause a problem to school districts that have already . . ."

Senator Atwood: "No, it does not. They were notified when the Governor's budget came out that it was based on ninety percent consideration of the adjustment. This bill has been before the Senate. I think most of the school districts, including my own, have figured their budget based on this ninety percent consideration. Now there may be some that have not, but as far as I am aware, the Governor's office notified everyone very early in the game, especially when the budget was first presented to the legislature, that this was the underpinning of both the House and Senate Ways and Means Committees and even Senator Dore's version of the budget."

Senator Odegaard: "The original proposal by Governor Evans in his budget increased to both ninety percent for both years of the biennium?"

Senator Atwood: "Maybe it is only one year. I may be in error."

Senator Odegaard: "That is what I thought, it was just one year."

Senator Atwood: "You could be right on that."

Senator Odegaard: "If this is both years of the biennium I believe there are districts in the state who have not planned for this. This could be a serious blow financially to many of them and I would like to . . ."

Senator Atwood: "You are right. It is the 1972-73 school year. It is the second year of the biennium."

Senator Odegaard: "So your amendment pertains only to the second year?"

Senator Atwood: "Yes, I will read it, the underlined portions that are important. 'eighty-five percent prior to the 1972-73 school year and ninety percent during the 1972-73 school year.' So it is the second year of the biennium."

Senator Odegaard: "Senator Atwood, isn't that proviso in the budget bill?"

Senator Atwood: "Not good enough in the budget bill because the school apportionment formula is set by section 28A.41 of RCW. To be upheld, it should be statutory."

#### MOTIONS

On motion of Senator Francis, Senate Bill No. 724, the pending committee amendment and the amendment to the committee amendment by Senators Atwood and Durkan was made a special order of business immediately following the noon recess.

At 12:25 p.m., on motion of Senator Greive, the Senate recessed until 1:30 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

#### SECOND READING

SENATE BILL NO. 360, by Senators Huntley, McDougall and Washington (by Joint Committee on Highways request):

Establishing a highway classification board and providing for long range priority planning for all streets, roads and highways.

#### MOTION

Senator Gissberg moved that Senate Bill No. 360 be referred to the Committee on Transportation.

Debate ensued.

## POINT OF INQUIRY

Senator Atwood: "Would Senator Huntley yield? Senator, what are the amendments that you want to put on the bill?"

Senator Huntley: "There are several on your desk and I find that in reading the bill we have overlooked some things that should be in it. They should be discussed further."

Senator Atwood: "Okay. Time is starting to run."

The motion carried. Senate Bill No. 360 was referred to the Committee on Transportation.

## SPECIAL ORDER OF BUSINESS

SENATE BILL NO. 724, by Senator Ridder:

Implementing laws relating to education.

The Senate resumed consideration of Senate Bill No. 724, the pending committee amendment and the amendment by Senators Atwood and Durkan to the committee amendment.

## POINT OF ORDER

Senator Francis: "Senator Atwood's amendment would change the scope and object of the bill because the bill itself relates to school days and this talks about finance and apportionment formula."

## REMARKS BY SENATOR ATWOOD

Senator Atwood: "Mr. President, I would point out to the good Senator that this is a title only bill as it sits out here in front of us. I am amending your amendment and the bill itself is title only. It covers anything within Title 28. If you take that position, I do not think it can stand in the present posture of this bill as it sits before us."

Senator Francis: "I am aware of that, Senator Atwood. I would like to have a ruling from the Chair on it."

## REPLY BY THE PRESIDENT

The President: "Senator Francis, the President is in the position of not being able to determine whether or not the amendment changes the scope and object of the measure until such an amendment to the measure is adopted."

Debate ensued.

The motion by Senator Atwood carried and the amendment by Senators Atwood and Durkan to the committee amendment was adopted.

The motion by Senator Francis carried and the committee amendment, as amended, was adopted.

Senator Francis moved adoption of the committee amendment to the title.

On motion of Senator Atwood, the following amendment to the Committee amendment to the title by Senators Atwood and Durkan was adopted:

Amend the committee amendment to the title as follows:

On line 6 of the committee amendment to the title, after " "RCW 28A.58.180;" insert "amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130;"

The motion by Senator Francis carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 724 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 Francis yield? Senator, yesterday we had several hundred teachers and students over here from Mead which is located in the northern section of Spokane. One of the things that they pointed out was that they are now going to have to

double shift their schools with about fifty students in each class. Now is this going to help the Mead situation or is it going to hurt the education?"

Senator Francis: "I have to answer you with an opinion because I do not think it is an absolute fact. I think it helps in the sense that it gives the school directors one more option when they meet a crisis like this, it gives them another alternative to consider. I was just talking to Senator Scott about this. I do not think the pressures are going to be all that strong to do this because if they cut short the school year they are cutting teachers' salaries but it may be that the directors will determine that they want to keep debate or keep some other subject and cut a few days off at the end because they think that aspect of education is more important than the number of days they go. This bill gives the directors the right to make that decision, rather than being forced to simply cut back on program. I think it would help the situation."

Senator Guess: "I do not know the bill because as Senator Canfield said, it was a title only bill. You say it gives them one more alternative that they can operate with. But now, how do they now operate when they have double shifting? Do the teachers teach both a morning class and an afternoon class with abbreviated hours?"

Senator Francis: "I believe that is right but I cannot state it as a fact that is absolutely known to me. I believe that is correct."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Ridder yield? Senator, in talking with the teachers and the students from Mead yesterday, they asked me what the legislature was going to do to help them get a better education or to be educated. Were we going to continue to ask them to double shift and to have the large class loads that they have? Is this going to help that in any way?"

Senator Ridder: "I believe if the Mead school board of directors wants to alter their school year in this way, that this might very possibly solve their problem. I talked to the people from Mead yesterday also. I noticed that they cut fifty teachers from the staff and cut back the offerings. When you go into a double shifting situation, this has a tendency to spread out the offerings and cut down time but I think that you overuse the teacher and in this sense the students do not get the kind of education you want. I have taught in a situation like this and it is come and go and you really do not get much out of it. No teacher can call any room his own and it is a real problem.

"But what they could do here very easily, I noticed they had stricken some algebra from their program; any youngster who is going to go through the University of Washington needs algebra to get into the University of Washington. This will enable them to give a full range of subject matter, for rather than going one hundred and eighty days they will go one hundred and sixty days. They will get, however, all of the courses offered and they could do this under this plan. All of these courses offered that they need to get into the University and the credits to get into the University could then be offered. As it is now, they have to cut back. They cannot offer these and even if they get one hundred and eighty days they have not gotten the necessary courses to get into these various programs at the University.

"I think this would solve their problem because then they could keep the full number of courses and just cut the school year short. I think the University would accept this."

#### POINT OF INQUIRY

Senator Bailey: "Senator, do you believe that if we had half of a school year that a person coming out of that half a school year could be accredited by the state board of education for the same amount of time as a full year. . . ?"

Senator Ridder: "No, I do not believe this. Only in times when we are caught in the situation we are caught in would we even consider such a thing."

Senator Bailey: "Senator, do you think that this would not open it up for the state school board directors or the school administrators to adopt a resolution saying that in order to teach the legislature a lesson, in order to teach our local citizens a lesson on local levies, that we have decided that we are not going to operate any of these schools over one hundred and fifty days or one hundred and twenty days and we will bring this thing to a crushing halt and get them into action in the next session? Do you think this is not a very good possibility with this type of legislation?"

Senator Ridder: "Senator Bailey, this is not the intent. Our intent is to solve a very pressing problem in a few districts. This is up to the school district and the board of directors elected by the people. If their intention is to use this as another bit of flexibility to handle the problem they are caught in, fine and dandy if it will help their program. We must remember, I think, that we are trying to educate youngsters and by squeezing them into first grade classes of fifty each, I do not think you solve the problem. I do not think that the youngsters should pay for the economic crunch that we are in. I go along with you, Senator Canfield, I think in this case it allows us to do a little different job and face the problem in a different way. It is not a good substitute but it is a way to face a growing problem."

Further debate ensued.

## POINT OF INQUIRY

Senator Scott: "Will Senator Ridder yield? Senator, since twenty-five percent of the moneys, as an average, state-wide for maintenance and operation are now resultant from special levies, is there not the possibility that those partisan to the levy can use this situation as a bludgeon over the heads of the people of the local district by saying, 'If you do not pass our special levy for so many mills your sons and daughters are going to lose X number of school days?'"

Senator Ridder: "We have not planned it to be used in this way."

Senator Scott: "You admit that it is a possibility, however?"

Senator Ridder: "Well, there are many possibilities. My mind doesn't give over to such thoughts but I suppose you could use it in this way."

Senator Scott: "How does this affect the continuing contract law which the teachers would have signed during the previous spring? They signed it for a certain amount of dollars and their contract to be paid over a twelve month basis. Now the school district comes along, they do not have the money, they decide to cut back and they say, 'We are going to cut your salaries.' How can they do this under the continuing contract law?"

Senator Ridder: "Remember this all goes back to the local school district. The Washington Education Association has said that in behalf of its members that they will go along with this. This is their understanding of the bill. The idea is merely to put in the hands of the local school directors, and they are the ones that have to make this decision, after all they are elected by the people and we give them that responsibility."

Senator Scott: "Yes, but they are going to be abridging a contract that has been in effect for six to nine months."

Senator Ridder: "I think that in this sense, in the continuing contract law, I think that we are going to bring about in the entanglement that we have now a proof that it does not really exist in fact. I think that you are going to find, from the courts, in the very near future that this exists only on paper."

Further debate ensued.

## POINT OF INQUIRY

Senator Holman: "Would Senator Ridder yield to a question? Senator, I notice that this bill bears your name as sole sponsor and so I assume that this far-reaching legislation will come to be known in future years as the Ridder Act. Is there anything significant in the fact that in the bill as you introduced it you said in section 1, 'It is the paramount duty of the state to make ample provision for the education of all children,' and you have now stricken that language?"

Senator Ridder: "This language still exists in the Constitution of the state of Washington. I cannot strike that. I would not dare strike it."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 724, and the bill failed to pass the Senate by the following vote: Yeas, 12; nays, 34; absent or not voting, 1; excused, 2.

Voting yea: Senators Connor, Fleming, Francis, Greive, Herr, Murray, Odegaard, Ridder, Stender, Stortini, Washington, Wilson—12.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Sandison, Scott, Talley, Twigg, Walgren, Whetzel, Woodall—34.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Durkan, Peterson (Lowell)—2.

ENGROSSED SENATE BILL NO. 724, having failed to receive the constitutional majority, was declared lost.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Atwood served notice that he would, on the next working day, move that the Senate reconsider the vote by which Engrossed Senate Bill No. 724 failed to pass the Senate.



## POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Atwood would indicate what his position was and what his intention is with respect to this measure?"

Senator Atwood: "Mr. President, my position is this; if the motion carries I will try to move the bill back to second reading and strip everything off but the amendment that I offered. So we get a clear cut vote on that particular issue for guidance of the conferees."

## MOTION

On motion of Senator Day, there being no objection, the Senate began consideration of Engrossed Substitute House Bill No. 379.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, by Committee on Social and Health Services:

Waiving examinations required of applicants to practice certain healing arts.

## REPORT OF STANDING COMMITTEE

April 19, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, waiving examinations required of applicants to practice certain healing arts (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

On page 2 of the printed and engrossed bill, add a new section following section 6 to read as follows:

"Sec. 7. Section 15, chapter 5, Laws of 1919 and RCW 18.25.090 are each amended to read as follows:

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, whether recorded or not, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in said certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer: PROVIDED, That on all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use [the word "doctor" abbreviation "Dr." or] the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor"."

Renumber the remaining section accordingly.

On page 2, section 6, line 29 of the printed and engrossed bills, after "chiropractic" and before "and" insert ", x-ray"

On page 2, section 6, line 31 of the printed and engrossed bills, after "without" and before "examination" insert "further"

In line 6 of the title of the printed and engrossed bill, after "chapter 18.57 RCW" insert "; amending section 15, chapter 5, Laws of 1919 and RCW 18.25.090"

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Newschwander, Odegaard, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 379, 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.

## MOTIONS

On motion of Senator McDougall, Senator Atwood was excused.

On motion of Senator Gissberg, Senator Dore was excused.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 379, 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, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Andersen, Lewis, Newschwander—3.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Dore, Durkan, Peterson (Lowell)—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379, 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.

SENATE BILL NO. 373, by Senators Durkan, Mardesich and Stender:

Providing for bidding on certain public works of state institutions of higher education and port districts.

The Senate commenced consideration of Senate Bill No. 373.

### REPORT OF STANDING COMMITTEE

March 18, 1971.

SENATE BILL NO. 373, providing for bidding on certain public works of state institutions of higher education and port districts (reported by Committee on Higher Education and Libraries):

MAJORITY 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 chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

When the cost to any state college or state university of any building, construction, renovation, remodeling or demolition other than ordinary maintenance or equipment repairs will equal or exceed the sum of ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids in accordance with the provisions of chapter 39.19 RCW: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling or demolition equals or exceeds the sum of ten thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage", under chapter 39.12 RCW shall be applicable thereto.

In the event of any emergency when the public interest or property of the state college or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the state college or institution of higher education in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 2. Section 2, chapter 348, Laws of 1955 and RCW 53.08.120 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and [all work ordered may be done by contract or day labor] *any building, construction, improvements, remodeling, renovation or demolition, the estimated cost of which is in excess of ten thousand dollars, shall be done by contract. When the estimated cost of such building, construction, improvements, remodeling, renovation or demolition equals or exceeds the sum of ten thousand dollars, such project shall be deemed a public works and the "prevailing rate of wage" under chapter 39.12 RCW shall be applicable thereto.* All such contracts shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

*In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, the port manager may declare the existence of such an emergency and, after reciting the facts constituting the same, the port manager may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency; PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the district in the absence of prompt remedial action or a condition which immediately impairs the district's ability to perform its obligations.*

Sec. 3. Section 3, chapter 348, Laws of 1955 and RCW 53.08.130 are each amended to read as follows:

The notice shall state generally the nature of the work to be done and require that bids be sealed and filed with the commission at a time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, money order, or surety bid bond to the commission for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named the bids shall be publicly opened and read and the commission shall proceed to canvass the bids and [may], *except as otherwise in this section provided, shall let the contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications.* If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all such bid proposal deposits shall be returned to the bidders; but if the contract is let, then all bid proposal deposits shall be returned to the bidders, except that of the successful bidder which shall be retained until a contract is entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to the commission, in an amount to be fixed by the commission, but not in any event less than twenty-five percent of the contract price. If said bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or money order and the amount thereof shall be forfeited to the port district or the port district shall recover the amount of the surety bid bond.

*NEW SECTION. Sec. 4. If any provision of this 1971 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.*

Strike all of the title and substitute the following:

"An Act relating to bidding on certain public works; amending sections 2 and 3, chapter 348, Laws of 1955 and RCW 53.08.120 and 53.08.130; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW."

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Henry, Holman, Lewis, Scott, Wilson.

The bill was read the second time by sections.

Senator Talley moved adoption of the committee amendment.

On motion of Senator Talley, the following amendment to the committee amendment was adopted:

On page 1, section 2, line 27, strike all of "Section 2" and renumber succeeding sections consecutively.

On motion of Senator Talley, the following amendment to the committee amendment to the title was adopted.

On line 2, of the title amendment before "3", strike "2 and"

The motion by Senator Talley carried and the committee amendments, as amended, were adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 373 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. 373, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson-40.

Voting nay: Senator Huntley-1.

Absent or not voting: Senators Andersen, McCutcheon, Matson, Woodall—4.  
Excused: Senators Atwood, Dore, Durkan, Peterson (Lowell)—4.

ENGROSSED SENATE BILL NO. 373, having received the constitutional 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. 792 was ordered to hold its place on the second reading calendar for Thursday, April 29, 1971.

#### SECOND READING

HOUSE BILL NO. 1034, by Representatives Charette, Newhouse, Thompson and Zimmerman:  
Providing for forest protection.

#### REPORT OF STANDING COMMITTEE

April 21, 1971.

HOUSE BILL NO. 1034, providing for forest protection (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 15, line 29, insert as section 14 the following and renumber the remaining sections consecutively:

"Sec. 14. Section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the administrator of the department of natural resources, through the supervisor of natural resources, shall provide such protection therefor at a cost to the owner of not to exceed [nine] *eighteen* cents an acre per year on lands west of the summit of the Cascade mountains and [seven] *fourteen* cents an acre per year on lands east of the summit of the Cascade mountains [and for that purpose]. *For the purpose of this act, the supervisor* may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the

delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general."

On page 1, line 18 of the title, after "76.04.180;" insert "amending section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360;"

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Day, Donohue, Dore, Fleming, Foley, Holman, Huntley, Jolly, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Wilson.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment to page 15 was adopted.

Senator Wilson moved adoption of the following amendment:

On page 5, section 3, line 22, after "writing" and before ",", insert " : PROVIDED, That if the extreme fire hazard existed at the time of passage of this act there will be a thirty-day notice in writing"

#### POINT OF INQUIRY

Senator Guess: "Will Senator Wilson yield? Senator, we are having an awful lot of problems in our area about burning. We have to burn the grass seed in the grass in order for the plants to be shocked properly to develop a proper seed the next season. Now since it is apparent to us that the department of ecology is going to stop this within the foreseeable future by the year 1973 or 1974, is it going to be impossible for the man who owns the woods and who has slashed down, is it going to be possible for him to burn slash?"

Senator Wilson: "Senator Guess, you are really asking me to discuss the merits of the bill as a whole rather than the amendment. I would have to defer to whoever is handling the bill on the floor to reply to your question."

#### MOTION

On motion of Senator Lewis, House Bill No. 1034, the pending amendment by Senator Wilson and the committee amendment to the title was ordered to hold its place on the second reading calendar for Thursday, April 29, 1971.

SENATE BILL NO. 152, by Senators Fleming, Whetzel, Ridder and Dore:  
Creating child care centers in class AA and class A counties.

#### REPORT OF STANDING COMMITTEE

March 5, 1971.

SENATE BILL NO. 152, creating child care centers in class AA and A counties (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 8 after "care" strike "center" and insert "services"

On page 1, section 1, line 9, insert a period after "parents" and strike all material down to the period on line 10 after "RCW"

On page 1, section 1, line 13, strike "centers" and insert "services"

On page 1, section 2, line 18, strike "one million dollars" and insert "five hundred thousand dollars"

On page 1, section 2, line 19, after "establish" strike all the matter down to and including "of general" on line 23

On page 1, section 3, beginning on line 25, strike entire section

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Connor, Donohue, Dore, Fleming, Francis, Greive, Holman, Jolly, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Twigg, Walgren, Washington.

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. 152 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 McDougall, Senator Elicker was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 152, and the bill passed the Senate by the following vote: Yeas, 33; nays, 8; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Clarke, Connor, Day, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—33.

Voting nay: Senators Canfield, Cooney, Guess, Lewis, Matson, Newschwander, Twigg, Woodall—8.

Absent or not voting: Senators Andersen, Huntley, McCutcheon—3.

Excused: Senators Atwood, Dore, Durkan, Elicker, Peterson (Lowell)—5.

ENGROSSED SENATE BILL NO. 152, having received the 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 HOUSE BILL NO. 1037, by Representatives Hoggins, Brouillet, Marsh and Bauer:

Excepting children attending state residential schools from the compulsory school attendance law.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 1037 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 Canfield: "Will Senator Francis yield? Senator, when I read this bill I could hardly believe my eyes when I saw that hundred dollars there and I thought maybe it was a misprint. Can you assure me that a hundred dollars is the correct figure? I never saw an appropriation bill with such a low amount of money in it."

Senator Francis: "I think we have to compliment the members of the House who were able to get it worked out so it would cost the taxpayers so little."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1037, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Andersen, McCutcheon, Mardesich—3.

Excused: Senators Atwood, Dore, Durkan, Elicker, Peterson (Lowell)—5.

ENGROSSED HOUSE BILL NO. 1037, having received the 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 HOUSE BILL NO. 493, by Representatives Bledsoe, Brouillet, Wolf,

O'Brien, Charette, Newhouse, Flanagan, Amen, Benitz, Bozarth, Mentor, Pardini and Schumaker:

Pertaining to assessment of leasehold estates.

REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED HOUSE BILL NO. 493, pertaining to assessment of leasehold estates (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 14, of both the printed and engrossed bills, strike the period at the end of the sentence and insert "*or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.*"

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Day, Foley, Guess, Holman, Huntley, Jolly, Lewis, Metcalf, Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Wilson, Woodall.

The bill was read the second time by sections.

Senator Holman moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Mardesich: "For the record, would Senator Holman yield? Senator, as I understand it now, this extension period merely gives them a chance to renegotiate the leases but does not in fact excuse the imposition of the tax on the leasehold after the two year period."

Senator Holman: "This bill has no application after the two year period but during the two year period it says that you will still continue under the old law and then this proviso excepts out these leases which are renewed, extended or renegotiated."

Senator Mardesich: "The point I am making is the mere fact that the lease is extended or renewed does not make it non-taxable after the two year period."

Senator Holman: "No, it does not. It certainly does not."

The motion by Senator Holman carried and the committee amendment was adopted.

On motion of Senator Holman, the rules were suspended, Engrossed House Bill No. 493, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 493, as amended by Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; absent or not voting, 2; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Voting nay: Senators Dore, Durkan, Fleming, Keefe, Mardesich, Talley—6.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Elicker, Peterson (Lowell)—2.

ENGROSSED HOUSE BILL NO. 493, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Guess, Engrossed House Bill No. 493, as amended by the Senate was ordered immediately transmitted to the House.

ENGROSSED HOUSE BILL NO. 52, by Representatives Van Dyk, Berentson, Haussler, Bauer and Hansey (by Legislative Council request):

## Regulating the production and marketing of milk

## REPORT OF STANDING COMMITTEE

April 3, 1971.

ENGROSSED HOUSE BILL NO. 52, regulating the production and marketing of milk (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass with the following amendment:

On page 7, section 15, line 4 of the engrossed bill, being page 7, section 15, line 5 of the House Committee on Agriculture amendment, after "quota" strike the balance of the sentence and insert "in a reasonable proportion and for old and new producers to participate in any new class I sales in a reasonable proportion."

Signed by: Senators Jolly, Chairman; Canfield, Donohue, Huntley, Knoblauch, McDougall, Wilson.

The bill was read the second time by sections.

Senator Jolly moved that the committee amendment be adopted.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Jolly yield? Senator, I am not as familiar with this bill as I might be but the question has been raised with me just recently about the introduction of new producers into the field. As I understand it under this bill, a new producer would have to buy in. He would have to take out some other operator and it would not allow an operator to move in without the displacement of some other person who is presently in business. Is that correct?"

Senator Jolly: "As I understand it, he cannot buy in. He would have to start and work his way in."

Senator Mardesich: "How does he do that? How does he work his way in?"

Senator Jolly: "As I understand it, it would be set up by the rules and regulations of the department of agriculture as allowed under the bill and the milk producers themselves set up the regulations, as they do in Oregon. This is copied primarily after the Oregon law. They set up in Oregon so that a new producer can start getting his base, as I understand it, in about a year after he starts producing and he is in in three years."

Senator Mardesich: "Is that in the law or would that be provided for by regulation?"

Senator Jolly: "That is by regulation."

Senator Mardesich: "What you are doing then is assuming that that will be the regulation."

Senator Jolly: "This is correct."

Senator Mardesich: "We do not have any assurance of that, do we? Would not it then be the producers who would be voting as to whether or not other producers might be allowed in?"

Senator Jolly: "I think this is probably correct, that the rules and regulations would be set up by the producers themselves would regulate it. After hearings directed by the director of agriculture."

Senator Mardesich: "I have been told that the producers would be—sixty percent of the production lies with the co-op and that they would make all of the decisions, all the rules, themselves, including setting the quotas which in effect would set prices."

Senator Jolly: "As I understand the bill that the co-ops are not a block vote. It is each individual producer that has the vote."

Senator Mardesich: "Senator Gardner seems to disagree with you on that point and I wonder if he would yield? That has concerned me about it. I had no feeling one way or the other until just about forty minutes ago I was called to the door and some people expressed serious doubts about this measure. If they are correct I would feel constrained not to agree with the bill but as I say I am not fully aware of what it does and that is why I raise these questions."

Senator Jolly: "Senator Mardesich, Senator Atwood comes from a dairy producing area, maybe he could answer that for you."

Senator Atwood: "If Senator Mardesich will look at the committee amendment on page 7, it tells you exactly how the new producer gets in. After quota, the balance of the old section is stricken and they have inserted, 'the new producer gets in in a reasonable proportion and for old and new producers to participate in any new class I sales in a reasonable proportion. The exact proportion will be set by rules and regulations and as part of the base plan'. I do not think you can spell it out any more than that unless you want to actually write the base plan into the bill and I do not think anybody here is qualified to do that."

Senator Mardesich: "Once the plan is instituted, does the director of agriculture have any authority to de-institute it?"

Senator Atwood: "No, he participates in the drawing of this and the rules and regulations that go with it but the bill itself provides that the new producer will participate in the new pooling arrangement in a reasonable proportion. Now I think the objection that some of the people, and a couple of them are my constituents, wanted me to amend this to



set it out definitely but I do not want to tamper with this and get into writing the actual base plan."

Senator Mardesich: "Senator Atwood, then further, I was told at least, that this bill has to do with the setting of quotas and what prices. . ."

Senator Atwood: "It does not have anything to do with prices at all, Senator."

Senator Mardesich: "Who sets the price in the sell to the pool then?"

Senator Atwood: "I could not answer that but it has nothing to do with prices. It is only for the pooling arrangement because the federal order is expiring and they have until December 31st of this next year to come up with a new plan. It has to be voted on by sixty-six and two-thirds of all the producers."

The motion by Senator Jolly carried and the committee amendment was adopted.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 52, 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 Holman: "Will Senator Jolly yield to a question? Senator, I noticed that this bill has an emergency clause. Could you tell me what the necessity for the emergency clause is?"

Senator Jolly: "The way it was explained to me, I am not a dairyman, but they had what is known as a federal class I base plan in effect now. It is going to be voted on in about a month. They said if this was voted down, if this bill did not have the emergency clause on it as late as we are working, it would take too long to get in effect and this bill could not be put into effect to take up the slack of the class I base plan of the federal order if it was voted down. That was the reason for the emergency clause, so that it could be put into effect immediately if it had to be."

Senator Holman: "As I understand it, the emergency clause was not put in to deny the right of referendum as might happen and it did happen on a similar milk marketing act."

Senator Jolly: "It was not a similar act, that was a price fixing one, I understand. This has nothing to do with prices."

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Canfield yield? Does this bar a young man getting in the act or does he have to buy out someone who is already in business in order to get started?"

Senator Canfield: "Senator Woodall, that is kind of a double-barrelled question but that has been the bone of contention in these hearings as to whether it does or does not in fact do that very thing which you are asking the question about.

"These new producers who come in, these young fellows for instance like war veterans or anyone else coming in and wanting to start a dairy herd. The question is, what is he going to do with the milk? Then your question comes into the focus. Where does he get his quota? How does he get on the market? I think your question is a real legitimate question and that is one of the purposes of this bill, to give these new producers an opportunity to establish quotas through these hearings under the authority of the director of agriculture. I believe your question is very well taken and I think there will be, I am sure there will be, provision for these new producers.

"Again I say that some of them will not get in as soon as they would wish or as strongly as they might wish. That has to be determined through the hearings. But this bill does not attempt to keep them out and I would like to say for your information, Senator Woodall, that the dairymen in our district which we represent in the Yakima Valley, I have heard no opposition to this bill and everyone that I have spoken to has been strongly in favor of the bill as amended."

Further debate ensued.

#### POINT OF INQUIRY

Senator Huntley: "Would Senator Jolly yield? Senator, as chairman of the Committee on Agriculture and Horticulture, wasn't it your understanding, I know it was mine, that the amendment that we just adopted was supposed to go a long ways to taking care of this new producer that was coming in, the objections that they had?"

Senator Jolly: "That is true, Senator Huntley. That is the understanding I had, that when we put that amendment on, it was asked for by the producers and the old producers agreed to it, the new producers asked for it, the old producers agreed to it and this was the understanding I had that this would help them."

Senator Huntley: "In other words, it was one of those compromises that is necessary in any legislation that we pass."

Senator Jolly: "That is correct."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 52, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Murray, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—37.

Voting nay: Senators Andersen, Gissberg, Holman, Mardesich, Matson, Metcalf, Newschwander, Sandison, Whetzel—9.

Absent or not voting: Senator Dore—1.

Excused: Senators Elicker, Peterson (Lowell)—2.

ENGROSSED HOUSE BILL NO. 52, 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.

SENATE BILL NO. 54, by Senators Greive, Knoblauch, Peterson (Ted), Talley and Lewis (by Legislative Council request):

Regarding the building of highrise apartments on tide lands.

The bill was read the second time by sections.

On motion of Senator Greive, the rules were suspended, Senate Bill No. 54 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

## MOTION

On motion of Senator Newschwander, Senators Andersen and Atwood were excused.

## POINT OF INQUIRY

Senator Stender: "Will Senator Greive yield? Senator, this bill purportedly applies itself to King county."

Senator Greive: "That is correct."

Senator Stender: "Only?"

Senator Greive: "That is right."

Senator Stender: "King county has a comprehensive plan, as you know. Why superimpose this bill over the top of the county. . ."

Senator Greive: "Because the planners tell me, especially in the city of Seattle, that without this legislation they cannot do it. They said they would like to but they need the legislation. As an actual matter, this time we did not go to the formality but two years and four years ago the city of Seattle came down and endorsed it, as did the association of Washington cities."

Senator Stender: "By your reply, would I understand that the city planning commission does not have authority to zone the waterfront areas to high rise apartments?"

Senator Greive: "It would depend on a variety of things. You see the zones apparently cover area. There is a problem. Can you zone, is it reasonable zoning without state legislation to say that you can have it on one side of the street and not the other because we are not arguing about anything that is across the street. The thing that raised all this in my mind is that one apartment that goes out four hundred feet over the water. For instance, in my district the University of Washington took a poll of the Alki area and they found that with eighty-six percent of the people, this is their biggest problem. The beach residents and the people in the Alki area feel more strongly about this than anything else. So that basically it is a question of whether zoning is reasonable if you cut it right in the middle of a street in a strip."

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 54, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Voting nay: Senators Clarke, Newschwander, Stender—3.

Absent or not voting: Senators Dore, McCutcheon, Mardesich—3.

Excused: Senators Andersen, Atwood, Elicker, Peterson (Lowell)—4.

SENATE BILL NO. 54, having received the 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 Twigg, Senators Lewis and Stender were excused.

On motion of Senator Durkan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 28, 1971.

Mr. President: The House has passed SENATE BILL NO. 925 with the following amendments:

In lines 2 and 3 of the title after "creating" in line 2 strike "a new section" and insert "new sections"

On page 1, after line 12 insert the following:

"NEW SECTION. Sec. 2. Any portion of the first half real property taxes otherwise due and payable on or before April 30, 1971, which, as allowed by and in accordance with the terms of a supreme court temporary injunction or restraining order, is paid after April 30, 1971 but before October 31, 1971, shall be deemed to have been paid prior to April 30, 1971, for purposes of the delinquency interest or penalty provisions of RCW 84.56.020."

Renumber the remaining sections consecutively.

On page 1 following section 2, which is now renumbered to be section 3, add a new section as follows:

"NEW SECTION. Sec. 4. The provisions of this act shall have no force or effect after June 30, 1972."

Renumber the succeeding section accordingly.

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Durkan, the Senate concurred in the House amendments to Senate Bill No. 925.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 925, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 6; excused, 5.

Voting yea: Senators Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Connor, Dore, Herr, McCutcheon, Matson, Newschwander—6.

Excused: Senators Andersen, Atwood, Lewis, Peterson (Lowell), Stender—5.

SENATE BILL NO. 925, 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 Committee on Manufacturing and Industrial Development was relieved of further consideration of Senate Bill No. 513.

On motion of Senator Mardesich, Senate Bill No. 513 was referred to the Committee on Commerce and Regulatory Agencies.

## SECOND READING

SENATE BILL NO. 494, by Senators Francis, Gardner and Holman:  
Providing for the regulation of naturopaths.

Senator Day moved that Substitute Senate Bill No. 494 not be substituted for Senate Bill No. 494.

## POINT OF ORDER

Senator Woodall: "I do not think the motion is needed. The substitute bill is not before us unless there is a motion made to put it before us. I think in the absence of a motion, we deal with the original bill."

## RULING BY THE PRESIDENT

The President: "The President believes that the point of order as stated by Senator Woodall is well taken."

## PARLIAMENTARY INQUIRY

Senator Day: "Mr. President, the substitute bill is a committee action however, and would not that make it necessary for us to dispose of the . . . however, the parliamentarian wants to do it."

## RULING BY THE PRESIDENT

The President: "The President believes that the point of order as presented by Senator Woodall is well taken. However, in the interests of clarifying any particular future doubts and all, the President will put Senator Day's motion that Substitute Senate Bill No. 494 be not adopted."

The motion by Senator Day carried. Senate Bill No. 494 was read the second time by sections.

Senator Day moved adoption of the following amendment:

Strike all material after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. (1) "Board" means the state board of naturopathic physicians, created by section 2 of this act.

(2) "Director" means the state director of motor vehicles.

(3) "Naturopathy" means the diagnostic and therapeutic system embracing a complete physianthropy employing nature's agencies, forces, processes, and products. It shall not include surgery, obstetrics, radioactive isotopes, synthetic pharmaceuticals, narcotics, hallucinogenics, nor the substances listed in schedules 1 through 5 of the Controlled Substances Act.

A person shall be regarded as practicing naturopathy who shall use, prescribe, direct, or recommend naturopathic treatment for the relief of any disability or disease.

**NEW SECTION.** Sec. 2. There is created a state examining board for naturopathic physicians, consisting of three members, two of whom shall be naturopathic physicians who shall have been continuously engaged in the practice of naturopathy for a period of not less than five years prior to appointment, and who shall be appointed by the governor from a list of five or more, submitted by the Washington Association of Naturopathic Physicians, Inc. The third member of such board shall be the director or his designee.

Within thirty days from the appointment of the board by the governor, the board shall meet to organize and select a chairman, vice chairman, and secretary. The board shall meet annually or semiannually for the purpose of conducting examinations and transacting any other business which may lawfully come before it. The board may meet in special session at the call of the chairman or at the call of not less than two-thirds of the membership of the board. Each member will serve at his own expense as a public service.

**NEW SECTION.** Sec. 3. The board shall have the following duties:

(1) To receive all applications for license and to conduct examinations to determine the qualification and fitness of applicants to practice naturopathy;

(2) To prescribe rules and regulations defining what constitutes: (a) A legally

chartered naturopathic college; (b) the format for a fair and impartial examination for all candidates for licensure; and (c) the standards for ethical practice of naturopathy within the state.

(3) To conduct hearings and proceedings to suspend or revoke licenses of persons practicing naturopathy and to suspend or revoke such licenses as set forth in section 13 of this act.

(4) To carry out all provisions of this act.

**NEW SECTION.** Sec. 4. Any person desiring to practice naturopathic medicine shall apply to the board for such license and must certify under oath that he is of good moral character; a citizen of the United States or an applicant for citizenship; more than twenty-one years of age; has completed at least two years of college or university preprofessional training or its equivalent; and is a graduate of a naturopathic college approved by the board: PROVIDED, That transfer of credits from other than an approved naturopathic college shall not be allowed toward the fulfillment of this requirement with the exception of basic science subjects from an approved college or university.

Any person desiring to practice a specialty or a limited specialty of naturopathy shall apply to the board for such license and the board is authorized to issue licenses for the following: Naturopathic dietary specialist (NDS); and naturopathic rehabilitative specialist (NRS). The applicant must certify under oath that he is of good moral character; a citizen of the United States or an applicant for citizenship; more than twenty-one years of age; and has completed four years in a professional college approved by the board in his respective specialty.

**NEW SECTION.** Sec. 5. The director shall license any applicant for a license to practice naturopathic medicine or its specialties who complies with section 4 of this act, who successfully passes the basic science examination required by chapter 43.74 RCW, and the examination by the board established by this act, and who pays the required fees.

**NEW SECTION.** Sec. 6. Examination for license to practice naturopathic medicine or its specialties shall be made by the board and such examination will be designed to determine the applicants knowledge, proficiency, and privilege to diagnose and treat the sick within the qualifications of the examined subjects and license issued. A passing grade shall be seventy-five percent with at least a seventy percent grade in each individual subject. An applicant who fails to pass the professional examination but does pass two-thirds of the subjects given, need only be reexamined in the subjects which were failed. The examination fee shall be fifty dollars, which shall not be returned to the applicant in the event that he fails to pass the examination.

**NEW SECTION.** Sec. 7. Each licensee, upon renewal, must show evidence of having satisfactorily completed an advanced professional seminar or post graduate, professional course or a professional course in any recognized institution of higher learning during the past year, and shall pay a renewal fee of twenty-five dollars on or before the first day of July of each year or, upon his failure to do so, shall be required to pay a penalty of twenty-five dollars.

**NEW SECTION.** Sec. 8. The board shall: Investigate complaints against any member of this profession or against any person accused of practicing or holding himself out as practicing naturopathy within the state, with or without licensure; conduct hearings; employ necessary professional or clerical assistance; issue subpoenas and administer oaths in connection with any investigation, hearing, or other proceeding held by them; and take or cause depositions to be taken as in other civil actions.

Members of the board shall be immune from liability in any civil or criminal action based upon any official acts performed in good faith.

**NEW SECTION.** Sec. 9. The secretary of the board shall prepare a specification of the charge or charges made against the accused, a copy of which shall be served on him with a notice of hearing. The time of the hearing shall be fixed by the secretary not earlier than thirty days after service of the charges. The notice shall specify the time and place of the hearing, that the accused may file written response within twenty days of the date of service, that a stenographic record of the proceedings will be kept, that the accused may appear personally and be represented by counsel with the right to produce witnesses and evidence in his own behalf and may cross examine witnesses testifying against him, and that he may have subpoenas issued by the board. Subpoenas of the board shall be served as in other civil cases in court actions. If any person contumaciously refuses to obey a subpoena or to answer any proper question during any proceeding, the board may petition the superior court of the county in which such proceeding is held, or in which the person refusing to obey or answer resides, or can be found, and said court shall issue to such person an order requiring him to appear before the board, there to produce evidence if so ordered, or there to give testimony concerning the matter under investigation. Any failure to obey such judicial order may be punished by the court as in the case of other civil contempt.

**NEW SECTION.** Sec. 10. Within a reasonable time after the hearing by the board, but in no event more than thirty days following the hearing, the board shall make a written report of its findings and conclusions and shall file the same with the director, together with a transcript of all the evidence. If a majority of the board finds the accused guilty, it shall at the same time file an order of reprimand, suspension or revocation, and the director shall thereupon suspend or revoke the license or the board shall issue the reprimand, as the case may be. If the accused is found not guilty or if less than a majority vote not guilty, the board shall file the order of dismissal and exoneration and the board shall relieve the accused from any possible odium that may attach by reason of the charges by such public

exoneration as is necessary, if requested by the accused. Failure of the board to file within thirty days shall be considered a dismissal. At the time of filing of the report, transcript, and any order, the accused shall be served with duplicate copies thereof.

**NEW SECTION.** Sec. 11. The order of revocation or suspension provided for in section 10 of this act shall contain a concise statement of the ground or grounds upon which it is based, shall include any specific terms and conditions, and shall be retained as a permanent record by the director. The director shall not issue any license or renewal thereof to any person whose license has been thus suspended or revoked except in conformity with the order or in accordance with any order of reinstatement or final judgment in any judicial review as provided in this act.

**NEW SECTION.** Sec. 12. The accused may appeal to the superior court of Thurston county, or of the county in which the proceedings were held, by serving notice of appeal upon the secretary of the board within thirty days after service of the report, evidence and order, upon him. The secretary shall, within twenty days of service of notice of appeal, transmit to the clerk of the superior court to which the appeal is taken, a certified transcript of the record, together with the findings, conclusions, and orders. Review in the superior court shall be limited to whether the findings of the board are supported by a preponderance of the evidence, whether the proceedings were erroneous as a matter of law, or whether the actions were so arbitrary and capricious as to amount to an abuse of discretion. Review of the judgment of the superior court may be had to the court of appeals or the supreme court as in other civil cases. If the accused seeks judicial review the order of the board shall be stayed until final judgment has been rendered.

**NEW SECTION.** Sec. 13. Every license issued to any person to practice naturopathy in this state shall be subject to suspension or revocation by the board for the following grounds:

- (a) Fraud or deception in procuring a license; or
- (b) Conviction of any offense involving moral turpitude; or
- (c) Billing or attesting that naturopathic remedies are the practice of any other healing art; or
- (d) Immoral, unethical, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from the public practice of healing the sick.

**NEW SECTION.** Sec. 14. All persons granted licenses or certificates under this act shall be subject to federal, state, and municipal regulations relating to the control of contagious diseases, legally reporting and certifying deaths, and all state and municipally required documents pertaining to public health.

**NEW SECTION.** Sec. 15. The board may recognize a license issued by another state in lieu of, or subject to, the license to practice required by this act if satisfactory proof is submitted that: (1) The applicant has passed an examination to practice naturopathic medicine or its specialties in such other states and shall possess a valid basic science certificate as required by chapter 43.74 RCW, (2) the requirements of such states at the time of such examination are at least equal to those required by this act, (3) like exemption from examination is granted by such state to persons granted licenses under this act, and (4) a fee equal to the examination fee required by this act is paid. The fee for indorsing a certificate to another state shall be twenty-five dollars.

**NEW SECTION.** Sec. 16. All persons licensed to practice naturopathy prior to the effective date of this act shall be deemed qualified for an equivalent license under this act. All persons licensed to practice a specialty or a limited specialty of naturopathy under any current valid license issued by this state may apply to the board, supplying academic transcripts and/or affidavits of practice in this field for at least two years, and approval by the board shall constitute direction to the director to issue such license.

All such persons must apply within six months of the effective date of this act for a license hereunder, without examination by the board, and such application should be accompanied by a twenty-five dollar license fee.

**NEW SECTION.** Sec. 17. Nothing in this act shall apply to the practice of their respective professions by duly licensed practitioners of medicine and surgery, osteopathy and surgery, chiropractic, chiropody, podiatry, optometry, or dentistry; nor to prevent service in case of emergency, the domestic administration of family remedies, the practice of any religion; nor to prevent the discharge of official duties by personnel of state or federal government or agencies thereof; nor shall it apply to educators or lecturers who do not practice nor prescribe naturopathic therapies.

All licentiates, under this act, shall qualify their doctorate, solely and at all times, with the term, naturopathic physician. Naturopathic specialists will be limited to those designations specified in section 4 of this act.

**NEW SECTION.** Sec. 18. It shall be a gross misdemeanor for any person to practice naturopathic medicine or its specialties or to hold himself out to the public as doing so, without the appropriate license as provided herein, or while his license is suspended or revoked, or to violate any provisions of this act.

**NEW SECTION.** Sec. 19. The following act or parts of acts are each hereby repealed:

- (1) Section 13, chapter 36, Laws of 1919 and RCW 18.36.010;
- (2) Section 12, chapter 36, Laws of 1919 and RCW 18.36.020;
- (3) Section 8, chapter 36, Laws of 1919 and RCW 18.36.020;
- (4) Section 3, chapter 36, Laws of 1919 and RCW 18.36.040;
- (5) Section 11, chapter 36, Laws of 1919 and RCW 18.36.050;
- (6) Section 4, chapter 36, Laws of 1919 and RCW 18.36.060;

- (7) Section 6, chapter 36, Laws of 1919 and RCW 18.36.110;
- (8) Section 1, chapter 83, Laws of 1953 and RCW 18.36.115;
- (9) Section 14, chapter 36, Laws of 1919 and RCW 18.36.120;
- (10) Section 7, chapter 36, Laws of 1919 and RCW 18.36.130;
- (11) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140;
- (12) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150;
- (13) Section 17, chapter 36, Laws of 1919 and RCW 18.36.165;
- (14) Section 1, chapter 10, Laws of 1925 and RCW 18.36.170;
- (15) Section 2, chapter 10, Laws of 1925 and RCW 18.36.200;
- (16) Section 3, chapter 10, Laws of 1925 and RCW 18.36.210;
- (17) Section 4, chapter 10, Laws of 1925 and RCW 18.36.220;
- (18) Section 5, chapter 10, Laws of 1925 and RCW 18.36.230;
- (19) Section 6, chapter 10, Laws of 1925 and RCW 18.36.240; and
- (20) Section 7, chapter 10, Laws of 1925 and RCW 18.36.245.

*NEW SECTION.* Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Gardner, the following amendments to the amendment by Senator Day were adopted:

On page 1, section 2, line 18, after "of" and before "numbers" strike "three" and insert "four", and after "members," strike "two" and insert "three"

On page 1, line 24, before "member" strike "third" and insert "fourth"

The motion by Senator Day carried and the amendment, as amended, was adopted.

On motion of Senator Day, the following amendment to the title was adopted:

In line 2 of the title, after "examining" and before "board" strike "and disciplinary"

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 494 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. 494, and the bill failed to pass the Senate by the following vote: Yeas, 13; nays, 24; absent or not voting, 8; excused, 4.

Voting yea: Senators Bailey, Day, Fleming, Francis, Gardner, Greive, Herr, Holman, Knoblauch, Odegaard, Ridder, Stortini, Talley—13.

Voting nay: Senators Atwood, Canfield, Clarke, Donohue, Foley, Guess, Henry, Jolly, Keefe, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—24.

Absent or not voting: Senators Connor, Cooney, Dore, Durkan, Elicker, Gissberg, Huntley, McCutcheon—8.

Excused: Senators Andersen, Lewis, Peterson (Lowell), Stender—4.

ENGROSSED SENATE BILL NO. 494, having failed to receive the constitutional majority, was declared lost.

#### MOTION

On motion of Senator Keefe, Senator Durkan was excused.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Guess served notice that he would, on the next working day, move that the Senate reconsider the vote by which Engrossed Senate Bill No. 494 failed to pass the Senate.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 562, by Committee on Labor and Employment Security:

Providing for fees for electrical inspections.

The bill was read the second time by sections.

On motion of Senator Stortini, the following amendment by Senators Stortini and Peterson (Ted) was adopted:

On page 3, line 31, after the period and before "Upon" insert the following: "*Nothing contained in this chapter shall be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter 19.28 RCW except those pertaining to cities and towns.*"

On motion of Senator Peterson (Ted), the rules were suspended, Substitute House Bill No. 562, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 562, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 5; excused, 4.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—39.

Voting nay: Senator Foley—1.

Absent or not voting: Senators Atwood, Connor, Dore, McCutcheon, Washington—5.

Excused: Senators Durkan, Lewis, Peterson (Lowell), Stender—4.

SUBSTITUTE HOUSE BILL NO. 562, 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 4:10 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Thursday, April 29, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



FORTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, April 29, 1971.

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 Kim Foster, Color Bearer, and JoAnne Garbe, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"Our Father God, in this moment of quietness give us the confidence that Thy grace is sufficient for the special problems and tasks of this day. As the days of this legislative session are rushing on to the closing hour, may our legislators seek to know Thy will and to so work together to accomplish Thy purpose that they may hear Thy word of commendation: 'Well done, good and faithful servants'. Enable them to know the good work that Thou wouldst have them do this day, and then fill them with zeal to accomplish it. May the Lord bless us and keep us and continue to use us in His glad service, through Jesus Christ our Lord. Amen."

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

The President announced the presence on the rostrum of Mr. and Mrs. Derrick Dunn from Tanzania, East Africa.

With leave of the Senate, business was suspended to permit Mr. Dunn, a professional hunter, to address the Senate.

REPORT OF STANDING COMMITTEE

April 29, 1971.

SENATE BILL NO. 17, creating the Washington Life Insurance Guaranty Association (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 28, 1971.

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

GENTLEMEN:

I have the honor to advise that on April 28 Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 564: Amending the business corporation act.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

Office of the Governor, April 29, 1971.

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

GENTLEMEN:

I have the honor to submit the following appointment, subject to your confirmation: Ross Peterson, appointed April 21, 1971 for a term ending April 21, 1971 for a term

ending April 15, 1976, succeeding himself as a member of the Board of Prison Terms and Paroles.

Sincerely,  
DANIEL J. EVANS  
Governor.

### MESSAGES FROM THE HOUSE

April 28, 1971.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 728, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

April 28, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 300, and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

April 28, 1971.

Mr. President: The House has receded from its amendment to ENGROSSED SENATE BILL NO. 37, and has passed the bill without the House amendment, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 28, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 688, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 28, 1971.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 372, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 300,  
HOUSE BILL NO. 728,  
HOUSE BILL NO. 1037,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

On motion of Senator Peterson (Ted), the following resolution was adopted:

### SENATE RESOLUTION: 1971-EX-56

By Senators Day and Peterson (Ted):

WHEREAS, hospital charges have risen 85% in the past five years, and the daily room rate will rise to nearly \$100 a day in 1973, if they continue unabated; and

WHEREAS, an independent report to the Legislative Council stated that 62 out of 104 hospitals in this state are operating at below 70% occupancy, a minimum level for efficient utilization of physical plant and staff; and

WHEREAS, hospitals have yet to overcome the problems of excessive duplication of services and equipment; low productivity of employees; low occupancy; the purchase of expensive and unnecessary equipment; duplication of purchasing efforts and internal administrative costs;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Legislative Council is requested to conduct a study which shall include:

(1) A study of health care costs, including but not limited to hospital costs;

(2) The impact of third-party insurers in the pricing of health care;

(3) The lack of alternatives to hospitalization, such as extended care facilities and nursing homes.

BE IT FURTHER RESOLVED, That for the purpose of securing necessary research, technical and supporting services, the Legislative Council shall utilize the staff of state agencies which deal with hospitals and health care facilities; and

BE IT FURTHER RESOLVED, That the Legislative Council shall report to the legislature the results of its study, together with its recommendations and such drafts of legislation as it may deem necessary prior to the next regular session of the legislature.

### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 37,  
SENATE BILL NO. 925,

HOUSE BILL NO. 300,  
HOUSE BILL NO. 688,  
HOUSE BILL NO. 728,  
HOUSE BILL NO. 1037.

#### MOTIONS

On motion of Senator Knoblauch, Senator Durkan was excused.

Senator Andersen moved that the rules be suspended and the Senate immediately consider the following resolution:

#### SENATE RESOLUTION: 1971-EX-58

By Senators Andersen, Atwood, Newschwander, Scott and Metcalf:

BE IT RESOLVED, By the Senate, that the present Senate rules of the Forty-second session of the Legislature are hereby amended by the addition of Rule 71A, to read as follows:

“Rule 71A. Interim committee members shall be appointed by the appropriate appointing authority from a list of members designated by the respective caucuses.”

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: Would Senator Andersen yield to a question? Senator, under this rule as written, if we were awarded a certain number of people to a committee and the caucus only sent that particular number, would the then appointing authority be compelled to appoint the ones who were sent by the caucus? All right, we are entitled to three members on a committee for roads. The caucus sends three names. Under this rule, would the appointing authority be compelled to appoint the three names sent by the caucus?”

Senator Andersen: “Yes.”

Further debate ensued.

#### POINT OF INQUIRY

Senator Walgren: “Would Senator Andersen yield to a question? Senator, I am giving very serious consideration about voting in favor of this particular measure, as you might guess. I am just kind of curious, if the resolution is passed, would it be the intention of the minority caucus to bind its members as to votes on. . . .”

Senator Andersen: “Absolutely not. It is our desire and I think I speak for Senator Atwood, the caucus chairman as well as myself and all of the members of the minority caucus, that we are not binding ourselves anyplace on interim committees. We would propose to go by seniority and all the other things that go into who gets appointed to what committee. But we would like to be able to handle it on a businesslike basis as a caucus. We definitely are not talking about bound caucuses.”

Senator McDougall demanded a roll call and the demand was sustained by Senators Metcalf, Greive, Newschwander, Clarke, Holman, Andersen, Ridder, McCutcheon and Bailey.

#### ROLL CALL

The Secretary called the roll. The motion by Senator Andersen failed and the resolution was not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel—18.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson, Woodall—30.

Excused: Senator Durkan—1.

## NOTICE OF RECONSIDERATION

Senator Andersen served notice that he would, following the expiration of seven days, again move that the amendment, Senate Rule 71A., be considered by the Senate.

## PERSONAL PRIVILEGE

Senator Bailey: "Mr. President, more or less personal privilege but I would hope that in the intervening time we would have the interim committees named."

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Atwood moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 724 failed to pass the Senate.

The motion carried.

## MOTION

On motion of Senator Atwood, the rules were suspended and Engrossed Senate Bill No. 724 was returned to second reading.

Senator Canfield moved adoption of the following amendment:

On page 1, beginning on line 10, strike all of section 1. Renumber remaining sections consecutively.

Debate ensued.

## POINT OF ORDER

Senator Ridder: "We are talking here of section, just in the amendment, of taking section 1 out because I figured that the whole section 1, 2 and 3 would be stricken and this is only section 1 of three sections."

## RULING BY THE PRESIDENT

The President: "Senator Ridder, in answer to your point, the amendment proposed by Senator Canfield strikes section 1. There are amendments on the desk that will intend to strike section 2 and 3."

Further debate ensued.

## POINT OF INQUIRY

Senator Odegaard: "Would Senator Atwood yield to a question? Senator, talking about Senator Elicker mentioning passing clean bills in the House that they started, was not your amendment a House bill?"

Senator Atwood: "485."

Senator Odegaard: "What happened to House Bill No. 485?"

Senator Atwood: "It is still resting comfortably over there. All I am doing is trying to get a reading from the Senate. If it is not going to go in either house, then we will go back and cut. That is why I want a vote on this as clear direction from this body. The bill, I think, was indefinitely postponed by the school people in the House. I thought we would have a better chance here and I am going to try and put it in a different committee if we get it through the Senate."

Senator Odegaard: "Senator, was that done in the committee, in the House or on the floor?"

Senator Atwood: "No, it was done in the committee. It didn't get to the floor."

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Would Senator Ridder yield? Senator, you said some hard words just now and I do not know quite what you said because I had to go off the floor a second. But under the section 1 that I see here, what would keep the schools from scheduling the first hour of Monday morning and all the children would meet down at the school house and then they would just dismiss them. Could that constitute a day?"

Senator Ridder: "Senator Guess, you have the feeling that the school districts and the

school directors are people who are trying to cheat a little bit here and there. That they want to somehow cheat the people of this state out of the due education. I do not have this feeling. I happen to be one of the establishment. I have seen school boards and school directors operate and I will tell you the truth, they are closer to the people than sometimes the administration. The idea is not to allow somebody to cheat somebody out of six hours of education. It means that we are going to give a little flexibility into a situation that is inflexible. Just because six hours a day is put into the law, this does not mean that six hours is sanctified in some way. There are days in which, for instance, in our cottage program at Rainier Beach the youngsters come into school, they spend three hours in class and then they go out to a meeting of a jury or they go and ride the transit systems and take input from people. This is in the high school class and they are not in the classroom but they still put in a classroom day under the supervision of an administrator or classroom personnel. So we are not trying to cheat. We are trying to build new programs. For once you kick us for not building programs and then you kick us because we build programs. I would like to see you build a little flexibility into our school system and that is all I am asking for this bill."

POINT OF ORDER

Senator Canfield: "My point of order is to inquire if we are discussing section 1 and the striking of section 1 or are we speaking on the bill or just what?"

REPLY BY THE PRESIDENT

The President: "The question is the adoption of the amendment striking section 1."

POINT OF ORDER

Senator Canfield: "Then my point of order is, is Senator Ridder speaking on this or just speaking on the bill and teachers' problems generally?"

(No reply by the President.)

Senator Canfield demanded a roll call and the demand was sustained by Senators Greive, Donohue, Odegaard, Wilson, Francis, Fleming, Knoblauch, Day and Connor.

POINT OF INQUIRY

Senator Woodall: "Will Senator Canfield yield to a question? Senator, how many years were you a teacher in the public schools? Thirty years. When did you first start teaching?"

Senator Canfield: "I started teaching in Senator Sandison's district just outside of Port Angeles in a little country school."

Senator Woodall: "And you were president of the Classroom Teachers' Association of Yakima county at one time, I believe?"

Senator Canfield: "Yes, and of the state of Washington as well."

Senator Woodall: "Thank you."

ROLL CALL

The Secretary called the roll and the amendment by Senator Canfield was adopted by the following vote: Yeas, 33; nays, 14; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Guess, Holman, Huntley, Jolly, Keefe, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Peterson (Ted), Sandison, Scott, Stender, Twigg, Walgren, Whetzel, Wilson, Woodall-33.

Voting nay: Senators Connor, Fleming, Francis, Greive, Herr, Knoblauch, McCutcheon, Metcalf, Odegaard, Peterson (Lowell), Ridder, Stortini, Talley, Washington-14.

Absent or not voting: Senator Henry-1.

Excused: Senator Durkan-1.

Senator Atwood moved adoption of the following amendment:

On page 2, section 2, line 5, strike sections 2 and 3 of the engrossed bill, and renumber the remaining section.

On page 4, strike all of section 5.

Senator Atwood demanded a roll call and the demand was sustained by Senators Ridder, Connor, Odegaard, Wilson, Metcalf, McDougall, Francis, Knoblauch and Day.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Atwood was adopted by the following vote: Yeas, 30; nays, 15; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Guess, Herr, Holman, Huntley, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Walgren, Whetzel, Woodall—30.

Voting nay: Senators Connor, Francis, Greive, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Washington, Wilson—15.

Absent or not voting: Senators Cooney, Fleming, Henry—3.

Excused: Senator Durkan—1.

Senator Metcalf moved adoption of the following amendment:

On page 2, following section 4, being renumbered section 1, add two new sections as follows:

**"NEW SECTION.** Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

No school district shall exclude any student therein from attendance in the regular school program solely on the grounds of the student's pregnancy, but school districts shall develop alternative education programs designed to benefit a pregnant student's scholastic needs. **PROVIDED,** That any school board may require attendance in an alternative educational program when the pregnancy is noticeable to the school principal.

**NEW SECTION.** Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Pregnant students may be required to produce a physician's statement as to the condition of her health relative to her continued presence in the regular school programs. When said statement reads that the pregnant student's health and physical well-being mandates her withdrawal from regular school attendance, the school superintendent shall excuse such pupil from regular school attendance and shall provide for such pupil an alternative educational program."

## MOTION

On motion of Senator Lewis, Senator Andersen was excused.

## POINT OF INQUIRY

Senator Mardesich: "Will Senator Metcalf yield to a question? Senator, the amendment you speak of as an alternative educational program for pregnant girls. What type of program are you thinking of? Instruction in the proper use of prophylactics or something of that sort?"

Senator Metcalf: "I did not cover that specifically and I will. I am very happy that you asked the question. Frankly, and I am going to respond very seriously because this is a very tragic matter.

"We know that pregnancies occur in our community, in our schools, and I think we should not ignore the fact. The great tragedy of it is that most of the girls are ostracized in the community and withdraw from school and their education is then terminated.

"I would say that the great need for today is to continue these girls' education. We should do everything we can to lessen the tragedy that this usually is. I suggest to you that this effort to keep the girl's educational progress as intact as possible under nearly impossible or very difficult conditions is very vital. If these people can maintain their education as best possible, come back to school afterwards and finish and graduate, they are far better off than if they just withdraw, drop out, or retreat into a shell. This is a very great personal tragedy for many girls.

"Now specifically, what kind of program, Senator Mardesich, it is mainly this; home visitation program. Home visitation program or alternative programs at school after school hours. Those are the two that are most likely. Anything else that the school board wanted to provide that would comply would be up to the school board."

## MOTION

Senator Woodall moved that the Senate immediately consider Engrossed House Bill No. 853.

Debate ensued.

The motion failed.

## POINT OF INQUIRY

Senator Mardesich: "I would, Mr. President and gentlemen of the Senate, seriously raise the question if anyone has any idea whether there might be additional cost. I would assume there would be if we had to set alternative courses or after hour classes and has anyone made any inquiry into the cost of such a program?"

Senator Dore: "I think it would have no financial impact. The schools are there, the staffs are there, and I think it could be worked in in the regular curricula. There would be no, in my opinion, or very little extra expense. Expense comes when an entirely separate agency is set up in order to do this but if it stays within the schools, I do not think there will be any fiscal impact."

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

On motion of Senator Atwood, the following amendments to the title were adopted:

On page 1, line 1 of the title, after "education;" strike all the material down to and including "RCW 28A.58.180;" on line 5.

On page 1, line 7 of the title, after "28A.41.130;" insert "and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW;" and on line 7, after "RCW 28A.41.130" strike "and declaring an emergency"

On motion of Senator Atwood, the rules were suspended, Reengrossed Senate Bill No. 724 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 Reengrossed Senate Bill No. 724, and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 30; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Guess, Keefe, Mardesich, Metcalf, Murray, Scott, Twigg, Woodall—15.

Voting nay: Senators Connor, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—30.

Absent or not voting: Senators McCutcheon, Matson—2.

Excused: Senators Andersen, Durkan—2.

REENGROSSED SENATE BILL NO. 724, having failed to receive the constitutional majority, was declared lost.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Guess moved that the Senate reconsider the vote by which Engrossed Senate Bill No. 494 failed to pass the Senate.

## MOTION

On motion of Senator Guess, the motion for reconsideration was made a special order of business for 3:00 p.m. today.

## APPOINTMENT OF CONFÉRÉE

The President appointed Senator McDougall as a conferee on Engrossed House Bill No. 735.

On motion of Senator Greive, the appointment was confirmed.

## MOTION

At 12:55 p.m., on motion of Senator Greive, the Senate recessed until 2:15 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

The President announced the presence on the rostrum of Jim Owens, University of Washington football coach and Joe Kearney, athletic director at the University of Washington.

With leave of the Senate, business was suspended to permit Coach Owens and Mr. Kearney to address the Senate.

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

## MESSAGES FROM THE HOUSE

April 29, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 493 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 493, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 37,

SENATE BILL NO. 925,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 735 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Hubbard, Morrison and Grant.

MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 168 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Bill No. 168 and the House amendments thereto: Representatives Hoggins, Bottiger and Kuehnle.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Bailey, the request of the House for a conference on Engrossed Senate Bill No. 168 and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 168 and the amendments thereto: Senators Wilson, Stender and Odegaard.

## MOTION

On motion of Senator Bailey, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 29, 1971.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 183 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Bill No. 183 and the House amendments thereto: Representatives Kuehnle, Julin and Knowles.

MALCOLM McBEATH, Chief Clerk.



MOTION

On motion of Senator Woodall, the request of the House for a conference on Engrossed Senate Bill No. 183 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 183 and the amendments thereto: Senators Gissberg, Holman and Francis.

MOTION

On motion of Senator Gissberg, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 29, 1971.

Mr. President: The House refuses to recede from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Second Substitute Senate Bill No. 146 and the House amendments thereto: Representatives Eikenberry, Jastad and Curtis.

MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Woodall, the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 146 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 146 and the amendments thereto: Senators Day, Holman and Fleming.

MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 29, 1971.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 109 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Substitute Senate Bill No. 109 and the House amendments thereto: Representatives Smythe, Bagnariol and Hatfield.

MALCOLM McBEATH, Chief Clerk.

MOTION

On motion of Senator Greive, the request of the House for a conference on Engrossed Substitute Senate Bill No. 109 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 109 and the amendments thereto: Senators Washington, McDougall and Gardner.

## MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

April 29, 1971.

Mr. President: The House adheres to its position on the House amendments to SENATE BILL NO. 125 and said bill together with the House amendments are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Woodall, the Senate concurred in the House amendments to Senate Bill No. 125.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Gissberg—1.

Absent or not voting: Senators McCutcheon, Matson, Peterson (Lowell)—3.

Excused: Senator Andersen—1.

SENATE BILL NO. 125, 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.

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

## SENATE RESOLUTION: 1971-EX-57

By Senators Dore, Ridder, Knoblauch, Sandison, McCutcheon, Keefe, Peterson (Ted), Huntley, Washington, Greive, Cooney and Atwood:

WHEREAS, James E. Casey, a most distinguished native son, has achieved great success and the admiration of all his fellow citizens by reason of his achievements in the transportation field and in his generous donation of time and energies to the foster children of our state; and

WHEREAS, He and his brother, George Casey, founded a small package delivery service in Seattle in 1904 and moved to California, Chicago, and New York as they directed its nation-wide expansion into most of the states of the Union; and

WHEREAS, James E. Casey is Chairman of the Board, Emeritus of the United Parcel Service, Inc., which now rivals the United States postal system in reliability and in volume of small package deliveries; and

WHEREAS, From a humble beginning he has achieved his "American Dream" and is now generously giving of his personal wealth to aid the less fortunate children of our state; and

WHEREAS, James Casey with his sister, Marguerite Casey, returned to Washington and co-founded the Casey Foundation as a nonprofit organization to provide for foster children in private homes and in doing so have sought the same standards of excellence, efficiency and dedication as in their business endeavors; and

WHEREAS, Ninety-one children are now supported under this pilot program in wholesome family environments where they enjoy better housing, education, nutrition, medical care and spiritual guidance than would otherwise be possible; and

WHEREAS, Such support will continue through their college and graduate days, thereby giving these persons a full opportunity to become productive and valuable citizens,

and it might be expected that from among these persons may emerge leaders in their chosen fields and perhaps a senator or governor; and

WHEREAS, The Caseys, on so many occasions, contributed to services and activities for the civic betterment of all the community and have now provided the Casey Foundation which is serving as a model for philanthropic endeavors; and

WHEREAS, James E. Casey still maintains a residence in Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, with great pride, salutes and commends James E. Casey on his lifetime of service and dedication to his fellow citizens of Washington and his country which serves as an inspiration to us all; and

BE IT FURTHER RESOLVED, That the Senate expresses its sincere gratitude to James E. Casey and to Marguerite Casey for establishing the Casey Foundation and for their other philanthropic services performed in this state thereby easing a public burden otherwise borne by the state and local governments; and

BE IT FURTHER RESOLVED, That suitably inscribed copies of this resolution be sent by the Secretary of the Senate to James E. Casey, to Marguerite Casey, to the Chairman of the Board of United Parcel Service, Inc., George Smith, and to the Director of the Casey Foundation.

### MOTIONS

On motion of Senator Walgren, Senate Bill No. 863 was ordered placed on the calendar for today immediately following consideration of Substitute House Bill No. 768.

On motion of Senator Greive, Senate Bill No. 371 was ordered placed at the beginning of the second reading calendar for Friday, April 30, 1971.

On motion of Senator Guess, Senate Bill No. 792 was ordered to hold its place on the second reading calendar for Friday, April 30, 1971.

### SECOND READING

HOUSE BILL NO. 1034, by Representatives Charette, Newhouse, Thompson and Zimmerman:

Providing for forest protection.

The Senate resumed consideration of House Bill No. 1034 and the following pending amendment by Senator Wilson:

On page 5, section 3, line 22, after "writing" and before the comma insert "*PROVIDED, That if the extreme fire hazard existed at the time of passage of this act there will be a thirty-day notice in writing*"

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

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

On page 10, after "authorized" strike "*at the then current rate of interest*" and insert "*within the provisions of RCW 43.84.110*"

On page 10, section 7, line 2, strike "*state treasurer*" and insert "*finance committee*"

On page 10, section 8, line 16, after "recovered" insert a period and strike the remainder of line 16 and all of lines 17 and 18.

On motion of Senator Wilson, the following amendment was adopted:

On page 11, section 8, line 19, after "34.04 RCW" strike the balance of the section.

On motion of Senator Wilson, the following committee amendment to the title was adopted:

On page 1, line 18 of the title, after "76.04.180;" insert "amending section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360;"

On motion of Senator Donohue, the rules were suspended, House Bill No. 1034, 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: "Yesterday Senator Guess asked the question, 'Will forest land owners be able to continue burning and does this bill pertain to that?' For your information, Senator Guess, this does not. This bill does not pertain to that and I would like, with permission of the Senate, to read a short paragraph from the department of natural resources. It says, 'Substitute House Bill No. 772 and Senate Bill No. 42, which at the present time are in Senate Rules, do deal with this air pollution matter and these two bills have been agreed upon by the department of ecology, department of natural resources

and the forest industry. Basically they provide that ecology will establish air quality standards and that the department of natural resources will regulate burning of forest debris, both from the fire safety standpoint and to comply with these air quality stands.' I think this pretty well answers your question, Senator Guess, of yesterday. I hope that you will vote for the bill."

Senator Guess: "Senator Donohue, would you yield? Senator, in further clarification of what you have said and the fact that the bill that is under consideration has a mandatory burning order in it, I understand that the department of natural resources would not force a forest owner to burn when the department of ecology said no. Is this right?"

Senator Donohue: "I think that is correct, Senator."

#### POINT OF INQUIRY

Senator Talley: "Would Senator Donohue yield? Senator, you spoke of an agreed bill. Was that the five cents or is that the fourteen cents?"

Senator Donohue: "The amendment we adopted yesterday, Senator, was the first section of Senate Bill No. 624 that we had discussed and it is the amendment which brings immediate funds into the picture and this is the increase that goes from seven to fourteen and from nine to eighteen. This brings in about a million dollars to build the fund back up. This particular bill was built into the Governor's budget."

Senator Talley: "Did the forest owners agree to the whole thing, or just to the five cents?"

Senator Donohue: "The forest owners were reluctant to go along with the amendment but they also agreed that we have to have funds to fight the fires."

Senator Talley: "This amount that the bill raises?"

Senator Donohue: "We are really talking about two separate bills. The million dollars that will be in the Governor's budget now, as I mentioned before, were not particularly the kind of legislation that the forest industry agreed upon. But they do agree upon House Bill No. 1034, which is the bill before us, as far as the five cent assessment is concerned. They were not particularly anxious, I should say, to have the increase from seven to fourteen and from nine to eighteen."

Senator Talley: "Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Guess, Talley—2.

Absent or not voting: Senators Dore, McCutcheon, Stender—3.

Excused: Senator Andersen—1.

HOUSE BILL NO. 1034, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the motion by Senator Guess to reconsider the vote by which Engrossed Senate Bill No. 494 failed to pass the Senate.

The motion for reconsideration carried.

#### MOTION

On motion of Senator Woodall, Senator Huntley was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 494 on

reconsideration and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent or not voting, 4; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Herr, Holman, Jolly, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Washington, Wilson—30.

Voting nay: Senators Andersen, Atwood, Clarke, Donohue, Foley, Gissberg, McDougall, Murray, Newschwander, Scott, Twigg, Walgren, Whetzel, Woodall—14.

Absent or not voting: Senators Canfield, Henry, Keefe, McCutcheon—4.

Excused: Senator Huntley—1.

ENGROSSED SENATE BILL NO. 494, having received the 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

On motion of Senator Sandison, the appointment of HARRY T. HUNT as a member of the board of Community College District No. 1 was confirmed.

##### APPOINTMENT OF HARRY T. HUNT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of OLIVER TIBBETS as a member of the board of Community College District No. 2 (Grays Harbor Community College) was confirmed.

##### APPOINTMENT OF OLIVER TIBBETS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of STANLEY C. GILLIES as a member of the board of Community College District No. 2 (Grays Harbor Community College) was confirmed.

##### APPOINTMENT OF STANLEY C. GILLIES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of JOHN R. BRUCKART, JR. as a member of the board of Community College District No. 3 (Olympic Community College) was confirmed.

#### APPOINTMENT OF JOHN R. BRUCKART, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DR. RICHARD M. HOAG as a member of the board of Community College District No. 4 (Skagit Valley Community College) was confirmed.

#### APPOINTMENT OF DR. RICHARD M. HOAG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of JOHN B. HUGHES as a member of the board of Community College District No. 7 (Shoreline Community College) was confirmed.

#### APPOINTMENT OF JOHN B. HUGHES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of B. T. GARDNER as a member of the board of Community College District No. 8 (Bellevue Community College) was confirmed.

#### APPOINTMENT OF B. T. GARDNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. HARRIET S. JAQUETTE as a member of the board of Community College District No. 8 (Bellevue Community College) was confirmed.

#### APPOINTMENT OF MRS. HARRIET S. JAQUETTE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of REID E. HALE as a member of the board of Community College District No. 9 (Highline Community College) was confirmed.

#### APPOINTMENT OF REID E. HALE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DR. SPENCER W. SHAW as a member of the board of Community College District No. 10 (Green River Community College) was confirmed.

#### APPOINTMENT OF DR. SPENCER W. SHAW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of HELEN SMITH as a member of the board of Community College District No. 10 (Green River Community College) was confirmed.

## APPOINTMENT OF HELEN SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DOUGLAS RICHTER as a member of the board of Community College District No. 11 (Clover Park Community College) was confirmed.

## APPOINTMENT OF DOUGLAS RICHTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MELVIN D. HENDERSON as a member of the board of Community College District No. 12 (Centralia Community College) was confirmed.

## APPOINTMENT OF MELVIN D. HENDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. WARD H. SMITH as a member of the board of Community College District No. 13 (Lower Columbia Community College) was confirmed.

## APPOINTMENT OF MRS. WARD H. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of RICHARD E. LAWTON as a member of the board of Community College District No. 14 (Clark Community College) was confirmed.



APPOINTMENT OF RICHARD E. LAWTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DR. ROBERT M. KINTNER as a member of the board of Community College District No. 15 (Wenatchee Valley Community College) was confirmed.

APPOINTMENT OF DR. ROBERT M. KINTNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. RUTH F. MOTTLEY as a member of the board of Community College District No. 16 (Yakima Community College) was confirmed.

APPOINTMENT OF MRS. RUTH F. MOTTLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of CHARLES de LaCHAPPELLE as a member of the board of Community College District No. 16 (Yakima Valley Community College) was confirmed.

APPOINTMENT OF CHARLES de LaCHAPPELLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of LEONARD STUBBS as a member of the board of Community College District No. 17 (Spokane Community College) was confirmed.

## APPOINTMENT OF LEONARD STUBBS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DICK D. LUDEMAN as a member of the board of Community College District No. 18 (Big Bend Community College) was confirmed.

## APPOINTMENT OF DICK D. LUDEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of O. C. ADAMS as a member of the board of Community College District No. 19 (Columbia Basin Community College) was confirmed.

## APPOINTMENT OF O. C. ADAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of LESLIE W. JAMES as a member of the board of Community College District No. 20 (Walla Walla Community College) was confirmed.

## APPOINTMENT OF LESLIE W. JAMES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. E. K. STIMPSON as a member of the board of Community College District No. 21 was confirmed.

## APPOINTMENT OF MRS. E. K. STIMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DONALD E. ANDERSON as a member of the board of Community College District No. 22 (Tacoma Community College) was confirmed.

## APPOINTMENT OF DONALD E. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of NORMAN H. DAHLSTEDT as a member of the board of Community College District No. 4 (Skagit Valley Community College) was confirmed.

## APPOINTMENT OF NORMAN H. DAHLSTEDT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of C. J. MITCHELL as a member of the board of Community College District No. 13 (Columbia Basin College) was confirmed.

## APPOINTMENT OF C. J. MITCHELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of HUGH L. MATHEWS as a member of the board of Community College District No. 10 (Green River Community College) was confirmed.

## APPOINTMENT OF HUGH L. MATHEWS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of TOM BAKER as a member of the board of Community College District No. 20 (Walla Walla Community College) was confirmed.

## APPOINTMENT OF TOM BAKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of HERBERT C. URIE as a member of the board of Community College District No. 13 (Lower Columbia Community College) was confirmed.

## APPOINTMENT OF HERBERT C. URIE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. MARGARET STRACHAN as a member of the board of Community College District No. 2 (Olympic Community College) was confirmed.

## APPOINTMENT OF MRS. MARGARET STRACHAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of BEN WOOD, JR. as a member of

the board of Community College District No. 7 (Shoreline Community College) was confirmed.

APPOINTMENT OF BEN WOOD, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of LAWRENCE WEINSTEIN as a member of the board of Community College District No. 2 (Grays Harbor Community College) was confirmed.

APPOINTMENT OF LAWRENCE WEINSTEIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. MARGE PETERS as a member of the board of Community College District No. 4 (Skagit Valley Community College) was confirmed.

APPOINTMENT OF MRS. MARGE PETERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of DR. DAVID LUNDBERG as a member of the board of Community College District No. 9 (Highline Community College) was confirmed.

APPOINTMENT OF DR. DAVID LUNDBERG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of CLARENCE IRWIN as a member of the board of Community College District No. 14 (Clark Community College) was confirmed.

#### APPOINTMENT OF CLARENCE IRWIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

There being no objection, Senator Wilson was excused.

On motion of Senator Sandison, the appointment of MRS. MARILYNN A. WILSON as a member of the board of Community College District No. 15 (Wenatchee Valley Community College) was confirmed.

#### APPOINTMENT OF MRS. MARILYNN A. WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—48.

Excused: Senator Wilson—1.

On motion of Senator Sandison, the appointment of MRS. T. J. BAY as a member of the board of Community College District No. 21 (Whatcom Community College) was confirmed.

#### APPOINTMENT OF MRS. T. J. BAY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MRS. ALMA GALBREATH as a member of the board of Community College District No. 18 (Big Bend Community College) was confirmed.

#### APPOINTMENT OF MRS. ALMA GALBREATH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon,

McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

MOTIONS

On motion of Senator Woodall, Senate Bill No. 170 was ordered placed on the calendar for today immediately following consideration of Engrossed House Bill No. 853.

On motion of Senator Atwood, Senator Lewis was excused.

SECOND READING

HOUSE BILL NO. 313, by Representatives Gladder, Kopet, Eikenberry, Paris and Conway (by departmental request):

Providing for changes in the law relating to county hospitals and infirmaries.

REPORT OF STANDING COMMITTEE

April 6, 1971.

HOUSE BILL NO. 313, providing for changes in the law relating to county hospitals and infirmaries (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

Add new sections following section 4 as follows:

**NEW SECTION.** Sec. 5. The purpose of sections 5 through 14 of this 1971 amendatory act is to authorize and establish two tuberculosis and respiratory disease hospital districts in the state to operate hospitals and supply hospital service for the residents of such districts and such others as the districts shall deem necessary.

**NEW SECTION.** Sec. 6. There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Eastern district, consisting of the following named counties: Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille; the headquarters county of such district shall be Spokane county. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Western district, consisting of the following named counties: Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island; the headquarters county of such district shall be King County. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Firland, in Seattle, Washington.

**NEW SECTION.** Sec. 7. Each tuberculosis and respiratory disease hospital district in this state shall be governed by a commission consisting of five members, three of whom shall be members of the legislative authority of the headquarter counties to be chosen by and to serve at the pleasure of such legislative authority and two of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district. If such advisory committee shall fail to fill a vacancy within two weeks, the governor shall fill such vacancy and so notify the commission. Initial members of the commission shall be elected or appointed within ten days of the effective date of sections 5 through 14 of this 1971 amendatory act. Such advisory committee shall counsel the commission with respect to commission powers and duties under sections 5 through 14 of this 1971 amendatory act. Failure of any member to continue in public office shall result in a commission vacancy which shall be filled as in the case of original appointment or election.

**NEW SECTION.** Sec. 8. Each district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis and respiratory diseases. Such superintendent shall act as administrative officer for his respective commission, shall be the tuberculosis and respiratory control officer for his district, and shall be empowered to employ such technical and other personnel as approved by such commission.

**NEW SECTION.** Sec. 9. Each district commission shall have authority:

(1) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said commission shall have

the power to contract with other communities, corporations or individuals for the services provided by said district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(2) To enter into any contract with the United States government, or any state or municipality for carrying out any of the powers authorized in sections 5 through 14 of this 1971 amendatory act;

(3) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the district shall be brought in the headquarters county of the district; and

(4) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all those things necessary to carry out the purposes of sections 5 through 14 of this 1971 amendatory act.

(5) To enter into agreements with the other district commission created by this 1971 act for the care and treatment of patients from said other district, when requested and feasible, and to transfer funds to finance such care and treatment.

Commission members shall be reimbursed for reasonable expenses incurred in connection with commission business and meetings, including subsistence and lodging and travel while away from their place of residence. Commission organization and proceedings shall be in accordance with that for public hospital district commissions under RCW 70.44.050.

**NEW SECTION.** Sec. 10. The commission shall as soon as possible after the effective date of sections 5 through 14 of this 1971 amendatory act enter into those necessary negotiations and agreements to obtain the use of the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington and Firland in Seattle, Washington.

**NEW SECTION.** Sec. 11. Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In addition, environmental conditions today make vital the advancement of remedies relating to respiratory diseases. In order to carry on work effectively in these fields there shall be levied for tuberculosis and respiratory disease hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, the receipts therefrom to be forwarded by the treasurers of such county to the treasurer of the headquarters district county, who shall be treasurer for the district. The commission shall return a total of 35% of moneys received from the levy provided under this section to the chief health officers of the counties, other than the headquarters county, which funds are to be allocated to specific counties based on caseload in the counties pursuant to standards promulgated by the district commission. Such returned funds are to be used by the chief health officers to carry out tuberculosis control and respiratory disease treatment on a local county level. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid.

**NEW SECTION.** Sec. 12. Subject to the provisions of section 14 of this 1971 amendatory act, the following acts or parts thereof are hereby repealed:

(1) Section 1, chapter 162, Laws of 1943, section 1, chapter 66, Laws of 1945, section 1, chapter 117, Laws of 1959, section 11, chapter 110, Laws of 1967 ex. sess., section 1, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010;

(2) Section 2, chapter 4, Laws of 1953 ex. sess., section 12, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.015;

(3) Section 1, chapter 4, Laws of 1953 ex. sess., section 2, chapter 117, Laws of 1959, section 13, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.021;

(4) Section 4, chapter 162, Laws of 1943, section 4, chapter 66, Laws of 1945, section 15, chapter 54, Laws of 1967 and RCW 70.32.040;

(5) Section 5, chapter 162, Laws of 1943, section 5, chapter 66, Laws of 1945, section 16, chapter 54, Laws of 1967 and RCW 70.32.050;

(6) Section 6, chapter 162, Laws of 1943, section 6, chapter 66, Laws of 1945, section 17, chapter 54, Laws of 1967 and RCW 70.32.060;

(7) Section 3, chapter 4, Laws of 1953 ex. sess., section 18, chapter 54, Laws of 1967, section 1, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.080;

(8) Section 2, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.085; and

(9) Section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090.

**NEW SECTION.** Sec. 13. The department of social and health services shall have the same authority over any hospital of a tuberculosis and respiratory disease hospital district as its authority over any privately administered hospital in this state.

**NEW SECTION.** Sec. 14. Until January 1, 1972, counties and the state shall continue



to pay for the treatment of county patients at Edgecliff in Spokane, Washington, and Firland, at Seattle, Washington, in the same manner as they have during this 1969-1971 fiscal biennium prior to the effective date of sections 5 through 14 of this 1971 amendatory act.

**NEW SECTION.** Sec. 15. Sections 4 through 14 of this 1971 amendatory act are 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."

Strike all of the title and insert the following:

"An Act relating to the public health; authorizing the creation of tuberculosis and respiratory disease hospital districts; implementing the law relating to county hospitals and infirmaries; amending section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270; adding a new section to chapter 36.62 RCW; repealing section 36.62.280, chapter 4, Laws of 1963 and RCW 36.62.280; repealing section 1, chapter 162, Laws of 1943, section 1, chapter 66, Laws of 1945, section 1, chapter 117, Laws of 1959, section 11, chapter 110, Laws of 1967 ex. sess., section 1, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010; repealing section 2, chapter 4, Laws of 1953 ex. sess., section 12, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.015; repealing section 1, chapter 4, Laws of 1953 ex. sess., section 2, chapter 117, Laws of 1959, section 13, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.021; repealing section 4, chapter 162, Laws of 1943, section 4, chapter 66, Laws of 1945, section 15, chapter 54, Laws of 1967 and RCW 70.32.040; repealing section 5, chapter 162, Laws of 1943, section 5, chapter 66, Laws of 1945, section 16, chapter 54, Laws of 1967 and RCW 70.32.050; repealing section 6, chapter 162, Laws of 1943, section 6, chapter 66, Laws of 1945, section 17, chapter 54, Laws of 1967 and RCW 70.32.060; repealing section 3, chapter 4, Laws of 1953 ex. sess., section 18, chapter 54, Laws of 1967, section 1, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.080; repealing section 2, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.085; and repealing section 3, chapter 117, Laws of 1959, section 1, chapter 101, Laws of 1961, section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090; providing for the levy of certain taxes; and declaring an emergency."

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, Keefe, Odegaard, Woodall.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendments.

On motion of Senator Holman, the following amendments to the committee amendments were adopted:

On page 1, section 7, on the first line of section 7 strike "Each" and insert "The Eastern" and on the fourth line of the paragraph strike "counties" and insert "county"

On page 2, after line 3, insert the following sentence:

"The Western tuberculosis and respiratory diseases hospital district in this state shall be governed by a commission consisting of nine members, three of whom shall be members of the legislative authority of the headquarter county and three shall be residents of the headquarter county, said six members to be chosen by and to serve at the pleasure of such legislative authority, and three of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district."

The motion by Senator Day carried and the committee amendments, as amended, were adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, House Bill No. 313, 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. 313, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 7; excused, 1.

Voting yea: Senators Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-40.

Voting nay: Senator Atwood-1.

Absent or not voting: Senators Andersen, Bailey, Connor, Durkan, McCutcheon, Matson, Talley—7.

Excused: Senator Lewis—1.

HOUSE BILL NO. 313, 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.

ENGROSSED HOUSE BILL NO. 853, by Representatives Bledsoe, Morrison, North and Ross:

Repealing prohibition on sale of contraceptives.

#### REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED HOUSE BILL NO. 853, repealing prohibition on sale of contraceptives (reported by Committee on Medicine, Dentistry and Health Care; Air and Water Pollution): MAJORITY recommendation: Do pass with the following amendments:

On page 1 strike all of section 1 and insert:

“NEW SECTION. Section 1. Section 1, chapter 168, Laws of 1921 and RCW 9.04.030 are each repealed.”

On page 2 add a new section following section 2 to read as follows:

“NEW SECTION. Sec. 3. Section 3, chapter 192, Laws of 1939 and RCW 18.81.030 are each repealed.

In line 1 of the title, after “punishments;” strike “amending” and insert “repealing”

In line 2 of the title, after “RCW 9.04.030;” strike “and” and on line 3 after “RCW 9.68.030” and before the period insert “; and repealing section 3, chapter 192, Laws of 1939 and RCW 18.81.030”

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendments.

#### MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 853 and the pending committee amendments was ordered to hold its place on the second reading calendar for Friday, April 30, 1971.

SENATE BILL NO. 170, by Senators Ridder, Peterson (Ted) and Foley (by departmental request):

Providing for licensing of hotels and motels.

#### REPORT OF STANDING COMMITTEE

March 19, 1971.

SENATE BILL NO. 170, providing for licensing of motels and hotels (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 4, after “Sec. 5.”, strike the entire section and insert “The board shall promulgate such rules and regulations, to be effective no sooner than February 1, 1972, as may be necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and welfare of the members of the public using such facilities. Such rules and regulations shall provide for adequate light, heat, ventilation, cleanliness, and sanitation and shall include provisions to assure adequate maintenance. All rules and regulations and amendments thereto shall be adopted in conformance with the provisions of chapter 34.04 RCW.”

On page 5, following section 10, insert the following new section:

“NEW SECTION. Sec. 11. Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this act, shall continue to be promulgated and enforced by the state fire marshal’s office.”

Remember the remaining sections consecutively.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Twigg.

The bill was read the second time by sections.

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

Senator Woodall moved adoption of the following amendment:

On page 3, section 5, line 4, strike section 5.

Debate ensued.

The motion by Senator Woodall failed and the amendment was not adopted on a rising vote.

Senator Ridder moved adoption of the following amendment:

On page 3, section 6, line 23, after "thereunder" insert "PROVIDED, That no room or suite shall be entered for inspection unless said room or suite is not occupied by any patron or guest of the transient accommodation at the time of entry"

Debate ensued.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Ridder yield? Senator, under this amendment the way you literally have it, if the owner of a building thought he smelled smoke coming from a room, would he be barred from using his key to go in if it was rented or occupied, to find out about it if someone fell asleep in bed with a cigarette or something?"

Senator Ridder: "No, this says 'entered for inspection' and this refers to the inspection that they make under the licensure procedure and the inspection procedure. So if the room were occupied when they came through to inspect, they could not enter a room that was occupied and I think this is pretty well explanatory."

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Ridder yield? Senator, supposing somebody in there that they were trying to apprehend, a law violator, and thought he was in that room, would this prohibit them from going in there on an inspection tour or anything of that sort?"

Senator Ridder: "I think since the bill deals with licensure and inspection that this would refer to the inspection at the time of inspection and I think common sense would rule against this in a court of law."

Senator Canfield: "Are you implying that common sense is a standard criterion used?"

Senator Ridder: "I hope so."

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

On motion of Senator Ridder, the rules were suspended, Engrossed Senate Bill No. 170 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 Mardesich yield? Senator, in considering this bill, did you at any time consider the American Standards Association standards for this type of a building? ASA has a nationally recognized code that we live under in the construction industry. They write numerous codes and I wondered if anybody proposed, during the time that the bill was under consideration, that ASA standards be adopted?"

Senator Mardesich: "In my memory the committee did not consider that particular set of standards. We had so many of these bills where standards were a problem that I have sort of lost track now, but offhand my recollection is that we did not, although some other committee member may be able to correct me."

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 170, and the bill passed the Senate by the following vote: Yeas, 29; nays, 13; absent or not voting, 6; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Washington—29.

Voting nay: Senators Donohue, Greive, Guess, Jolly, Matson, Newschwander, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—13.

Absent or not voting: Senators Andersen, Connor, McCutcheon, Murray, Scott, Whetzel—6.

Excused: Senator Lewis—1.

ENGROSSED SENATE 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 Ridder, Engrossed Senate Bill No. 170 was ordered immediately transmitted to the House.

Senators Greive, Ridder and Dore 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 Lewis who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

#### SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 493.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 768, by Committee on Social and Health Services:  
Providing for adoption of hard to place children.

#### REPORT OF STANDING COMMITTEE

April 6, 1971.

SUBSTITUTE HOUSE BILL NO. 768, providing for adoption of hard to place children (reported by Committee on Public Institutions):

Recommendation: Do pass with the following amendments:

On page 5, section 5, line 28, strike "a" and insert "another"

On page 5, section 5, line 29, after "or" and before "foreign" insert "a"

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

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, Substitute House Bill No. 768, 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 Canfield: "Would Senator Odegaard yield? Senator, what is the approximate cost now of maintaining these hard to place children at state expense and, secondly, what would be the estimated cost under this program as provided by this bill?"

Senator Odegaard: "The cost now of maintaining one of these children, I believe, is close to one hundred dollars a month. Under this bill they figure the average cost to be about sixty-one dollars a month. It is a lesser cost."

Senator Canfield: "Would this mean that if a hard to place child were adopted in a family, that the family would receive this sixty-one dollars a month indefinitely?"

Senator Odegaard: "Until the child is twenty-one years of age."

Senator Canfield: "I am just wondering what kind of a situation that would create in a

home where there were other children that you were not getting a subsidy. I would like to have your comment on that."

Senator Odegaard: "What effect it might have, you mean, on the other siblings in the family? If the child would become a part of the family, I would assume he would be another loved one in the family and be a part, as the brothers and sisters are, and whether the brothers and sisters would somehow hold this against the child I just could not predict. Maybe if he for some reason had some resentment toward this brother or sister, possibly he could use this but I suppose this could happen in any type of a program."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Francis yield? You made a statement regarding the payment. You said, later on if the foster parents or the people that took the child could pay, they would no longer receive or take money from the state for the care of the child. Do you think this is a good condition? Wouldn't they just carry on until age twenty-one and say this is a part of the cost in sustaining the youngster? It seems like this is too open, the way you phrased this."

Senator Francis: "The decision is of the department, Senator. I am not sure I am understanding the main thrust of your question, but if you are saying that it might be the parents who would claim they needed it, this would be up to the department to determine whether or not these payments were needed. The payments themselves are based on the needs of the children and the financial resources of the parents, or the adoptive parents. If those resources were no longer needed, or that supplemental income is no longer needed, they would not be entitled to it. This would be a matter for the discretion of the department. This would be something they would have the duty and obligation to administer."

Senator Peterson (Ted): "You mean they would check the financial condition or statement of the people and if they found that they had available moneys that they would no longer provide this help that they are getting? Is that correct?"

Senator Francis: "That is correct. There would be a continuing relationship here in which they would be getting this kind of feedback."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 768, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Lewis—1.

SUBSTITUTE HOUSE BILL NO. 768, 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 Greive, the Senate immediately commenced consideration of Senate Bill No. 104.

SENATE BILL NO. 104, by Senators Fleming, Francis, Gardner, Peterson (Ted), Dore, Durkan, Stortini and Ridder (by Joint Committee on Education request):

Implementing law relating to school holidays.

The bill was read the second time by sections.

Senator Holman moved adoption of the following amendment:

On page 1, section 1, line 10, after "New Year's Day;" strike all the underlined words on lines 10 and 11 and insert the following: "*the third Monday in January, to be known as Martyr's Day, in honor of all those Americans whose lives were unlawfully taken at the time of, or consequent upon, their pre-eminence in the defense of right and justice*"

Debate ensued.

On motion of Senator Dore, the amendment by Senator Holman was laid upon the table on a rising vote.

Senator Atwood moved adoption of the following amendment:

On page 1, section 1, line 10, after "New Year's Day;" strike "[the third Monday in January, being the anniversary of the birth of Martin Luther King, Jr.]" and insert the following: "*the fourth Friday in November, commonly known as 'Honored Americans Day,' being a day for honoring and remembering all Americans who have made a contribution to the fulfillment of American ideals, this day to honor such men as Richard E. Byrd, Dwight D. Eisenhower, Alexander Hamilton, Herbert C. Hoover, Thomas Jefferson, Chief Joseph, John F. Kennedy, Martin Luther King, Robert E. Lee, Abraham Lincoln, James Madison, John Marshall, Theodore Roosevelt, Sacajawea, Henry David Thoreau, Booker T. Washington, Marcus Whitman, Eli Whitney and T. Woodrow Wilson;*"

On motion of Senator Dore, the amendment by Senator Atwood was laid upon the table.

On motion of Senator Atwood, the following amendment was adopted:

On page 1, section 2, line 25, strike all of section 2.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 104 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. 104, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Connor, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Keefe, McCutcheon, Mardesich, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Walgren, Washington, Whetzel—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Donohue, Guess, Holman, Jolly, Knoblauch, McDougall, Matson, Metcalf, Newschwander, Odegaard, Sandison, Stender, Twigg, Wilson, Woodall—20.

Absent or not voting: Senator Huntley—1.

Excused: Senator Lewis—1.

ENGROSSED SENATE 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.

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

#### INTRODUCTION AND FIRST READING

SENATE BILL NO. 928, by Senator Greive:

An Act relating to redistricting.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 929, by Senator Greive:

An Act relating to redistricting.

Referred to Committee on Constitution, Elections and Legislative Processes.

SENATE BILL NO. 930, by Senator Greive:

An Act relating to redistricting.

Referred to Committee on Constitution, Elections and Legislative Processes.

## MOTION

At 5:07 p.m., on motion of Senator Greive, the Senate adjourned until 11:00 a.m., Friday, April 30, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, April 30, 1971.

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 Elicker and Holman. On motion of Senator Atwood, Senator Holman was excused. On motion of Senator McDougall, Senator Elicker was excused. President Pro Tempore Henry assumed the Chair.

The Color Guard, consisting of Pages William Fritz, Color Bearer, and Christy Timberlake, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"I lift up my eyes to the hills, from whence does my help come? My help comes from the Lord, who made heaven and earth.' Again this morning, Our Father God, we invoke Thy blessing upon this upper house, its members and presiding officer. Guide, we pray Thee, those whom the citizens of this state by their choice have entrusted with the powers of government. Give now to our legislators a new urgency and ability before the heavy demands and high opportunities of this day. May the words of their mouths and meditations of their hearts, their deliberations and decisions this day be acceptable in Thy sight. Make us all, O God, good citizens here, mindful also of our citizenship which is in Heaven. Through Jesus Christ, our Lord. Amen."

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

April 29, 1971.

SENATE BILL NO. 123, authorizing counties to establish ambulance service (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SENATE BILL NO. 289, requiring that insurance rates take into account investment income of the insurance company (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 8, 1971.

SENATE BILL NO. 486, providing legislation to promote the public welfare in regard to the public highways of this state (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Vice Chairman; Connor, Donohue, Durkan, Elicker, Foley, Herr, Keefe, Knoblauch, Mardesich, Matson, Murray, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 5, 1971.

SENATE BILL NO. 513, enacting the Beverage Container Control Act of 1971 (reported by Committee on Manufacturing and Industrial Development):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gardner, Chairman; Murray, Twigg, Washington, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SENATE BILL NO. 529, permitting the sale of distressed liquor (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Stortini, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

SENATE BILL NO. 611, providing for wage claim fees (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Connor, McDougall, Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

SENATE BILL NO. 682, creating a legislative municipal committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Day, Donohue, Fleming, Foley, Guess, Holman, Huntley, Jolly, Mardesich, Odegaard, Ridder, Sandison, Stortini, Twigg, Walgren, Wilson, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SENATE BILL NO. 911, authorizing certain school districts to contract for educational services with a community educational service corporation (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 27, 1971.

SENATE BILL NO. 915, supporting the ferry system by earmarking certain motor vehicle fuel taxes therefore (reported by Committee on Transportation):

MAJORITY recommendation: That Substitute Senate Bill No. 915 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Durkan, Elicker, Huntley, Jolly, Keefe, Knoblauch, Matson, Murray, Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

SUBSTITUTE HOUSE BILL NO. 47, defining and providing a method for dissolution of inactive port districts (reported by Committee on Cities, Towns and Counties):



MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, McDougall, Peterson (Ted), Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE BILL NO. 84, regulating charitable trusts and similar relationships and requiring reports thereof (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

SUBSTITUTE HOUSE BILL NO. 142, providing for approval by a county legislative authority of certain action by a sewer or water district (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE BILL NO. 357, amending certain parts of the White Cane Law (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Elicker, Francis, Holman, Keefe, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE BILL NO. 430, providing for participation under the economic opportunity act of state and local government (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 438, permitting counties smaller than first class to establish a salary fund and permitting any county to establish a claims fund (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE BILL NO. 567, providing for merger of sewer districts into water districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, McDougall, Peterson (Ted), Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 604, implementing law relating to the state advisory council on vocational education (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 738, changing the name of the Washington State Association of County Commissioners to the Washington State Association of Counties (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, McDougall, Peterson (Ted), Talley, Whetzel, Wilson.  
Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, providing for television reception improvement districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, McDougall, Peterson (Ted), Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

ENGROSSED HOUSE BILL NO. 1046, providing changes in the taxing limits and bonding authority of public hospital districts (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 1070, providing for bonding of local improvement district projects (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, McDougall, Peterson (Ted), Ridder, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 1073, providing for the transfer of territory from one county to another (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Elicker, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

HOUSE CONCURRENT RESOLUTION NO. 12, directing the legislative council to study oil spills and supertankers (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE CONCURRENT RESOLUTION NO. 14, directing a study of faculty tenure (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Atwood, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 23, providing for a legislative council study of landlord-tenant laws and relationships (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Foley, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

April 29, 1971.

ELDON REILEY, to the position of member of the Board of Trustees of Spokane Community College, District No. 17, appointed by the Governor on April 3, 1967 for the

term ending April 3, 1972 (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Francis, Gardner, Guess, Holman, Huntley, Scott.  
 Passed to Committee on Rules and Joint Rules.

April 8, 1971.

DR. ROBERT L. FLENNAUGH, to the position of member of the Board of Regents of the University of Washington, appointed by the Governor on March 9, 1970 for the term ending March 9, 1976, succeeding Dr. Leo Rosellini (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Guess, Henry, Huntley, Scott.  
 Passed to Committee on Rules and Joint Rules.

April 8, 1971.

JACK G. NEUPERT, to the position of member of the Board of Regents of the University of Washington, appointed by the Governor on March 9, 1970 for the term ending March 9, 1976, succeeding Robert Willis (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Guess, Henry, Huntley, Scott.  
 Passed to Committee on Rules and Joint Rules.

April 29, 1971.

GEORGE V. POWELL, to the position of member of the Board of Regents, University of Washington, appointed by the Governor on March 22, 1971 for the term ending March 14, 1977, succeeding himself (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 29, 1971.

JAMES R. ELLIS, to the position of member of the Board of Regents, University of Washington, appointed by the Governor on March 22, 1971 for the term ending March 14, 1977, succeeding himself (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott.  
 Passed to Committee on Rules and Joint Rules.

April 29, 1971.

MICHAEL DEDERER, to the position of member of the Board of Regents, Washington State University, appointed by the Governor on March 10, 1971 for the term ending March 9, 1977, succeeding himself (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

April 29, 1971.

H. H. "DUTCH" HAHNER, to the position of member of the Board of Regents, Washington State University, appointed by the Governor on March 10, 1971 for the term ending March 9, 1971, succeeding himself (reported by the Committee on Higher Education and Libraries):  
 MAJORITY recommends that said appointment be confirmed.  
 Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Metcalf, Scott, Wilson.  
 Passed to Committee on Rules and Joint Rules.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 29, 1971.

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

## GENTLEMEN:

I have the honor to advise that on April 29 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 208: Submitting budgets of four state colleges and state's universities to governor's control;

SENATE BILL NO. 363: Providing for acquisition of property by public agencies.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel to the Governor.

## MESSAGES FROM THE HOUSE

April 29, 1971.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 270 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

April 29, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 505,  
ENGROSSED HOUSE BILL NO. 516,  
HOUSE BILL NO. 525,  
ENGROSSED HOUSE BILL NO. 551,  
HOUSE BILL NO. 680,  
ENGROSSED HOUSE BILL NO. 769,  
ENGROSSED HOUSE BILL NO. 863,  
ENGROSSED HOUSE BILL NO. 875,  
ENGROSSED HOUSE BILL NO. 1063,  
ENGROSSED HOUSE BILL NO. 1072,  
ENGROSSED HOUSE BILL NO. 1075,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

SENATE BILL NO. 931, by Senator Washington:

An Act relating to revenue and taxation; adding new sections to chapter 15, Laws of 1961 and to chapters 82.08 and 82.12 RCW; and prescribing an effective date.

Referred to Committee on Ways and Means—Revenue and Taxation.

SENATE CONCURRENT RESOLUTION NO. 30, by Senators Dore and Peterson (Ted):

Creating an interim tax committee.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE BILL NO. 505, by Representatives Brown, Haussler, Kopet, Merrill and Backstrom:

Repealing the expiration of the local sales tax.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 516, by Representative Smythe:

Relating to local government.

Referred to Committee on Cities, Towns and Counties.

HOUSE BILL NO. 525, by Representatives Hoggins, May and Kopet:

Lapsing zoning variances.

Referred to Committee on Cities, Towns and Counties.

ENGROSSED HOUSE BILL NO. 551, by Representatives Lynch, Maxie, Pardini, Jones, Ceccarelli, North, Kirk, Blair, Kraabel, Litchman, Paris and Ross (by executive request):

Relating to rights of married women.

Referred to Judiciary Committee.

HOUSE BILL NO. 680, by Representatives Kopet, Charette and Jones:  
 Providing for local public works planning.  
 Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 769, by Representatives Kraabel, Perry, Rabel, Hurley, Ross, McDermott and Brown:  
 Providing for a new highway hearing procedure.  
 Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 863, by Representatives Jones, Costanti and Gilleland:  
 Defining school day for common school purposes.  
 Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 875, by Representatives Ceccarelli, Curtis, Rosellini and Blair:  
 Permitting certain minor employees of class H license holders to serve and sell liquor.  
 Referred to Committee on Commerce and Regulatory Agencies.

ENGROSSED HOUSE BILL NO. 1063, by Representative Kopet:  
 Relating to the sale of certain public lands.  
 Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1072, by Representatives Mentor, Beck, Goldsworthy, Barden, Merrill, Paris, Marzano, Lynch, Jastad, Copeland, Cunningham, Wolf, Anderson, Randall, Costanti, Berentson, Perry, Bagnariol, Lysen, Kirk, Charnley, Litchman, Ross, Maxie, Gilleland, Haussler, Rabel, Smith, Hansey, Eikenberry, Bozarth, Bauer and Jones:  
 Providing for free motor vehicle licenses for certain disabled veterans.  
 Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 1075, by Representatives May, Brouillet, Jueling, Marzano, Gallagher, Adams, Bottiger and Wojahn:  
 Providing that certain collective bargaining agreements contain a provision for retroactive wages.  
 Referred to Committee on Labor and Industrial Insurance.  
 On motion of Senator Day, the following resolution was adopted:

#### SENATE RESOLUTION: 1971-EX-59

By Senators Day, Odegaard and Peterson (Ted):  
 WHEREAS, It is in the public interest to preserve the public health and provide for the maintenance of quality hearing aid services; and  
 WHEREAS, There is evidence that consumers, especially the aged, have been defrauded by itinerant salesmen selling defective hearing aids, who then abscond, leaving little remedy for those so defrauded;  
 NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council is requested to conduct a study of hearing aid selling practices;  
 BE IT FURTHER RESOLVED, That the results of the study and recommendations, if any, be presented to the next regular session of the Legislature for its consideration.  
 Senator Day moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-60

By Senators Day, Odegaard, Jolly and Peterson (Ted):  
 WHEREAS, It is in the public interest to protect and maintain the public health; and  
 WHEREAS, The qualifications and training of persons engaged in the practice of electrolysis, an electronic method for removing hair from the human body, are questionable;  
 NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council is requested to undertake a study of persons practicing electrolysis, their standards of trade, their qualifications, and their training;

BE IT FURTHER RESOLVED, That the results of this study and recommendations, if any, be submitted to the Legislature prior to the next regular session for its consideration.

#### POINT OF INQUIRY

Senator Bailey: "A question of Senator Day, Senator, the electrolysis that I have had trouble with in my area has been when they get their pipes plugged up over copper piping. Now does this include a study of how to rotoroot those pipes?"

Senator Day: "No, this has only to do with the removal of hair from the human body by the process of electrolysis."

Senator Bailey: "With that assurance I think it might be a modern method of scalping."

Senator Day: "That is right."

#### POINT OF INQUIRY

Senator Stender: "Senator Day, would you further yield? Would it be in order to amend this resolution to investigating planting of some hair on a human body?"

Senator Day: "That would be perfectly acceptable. However, I believe that is only being done by physicians who are licensed so to do."

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

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

#### SENATE RESOLUTION: 1971-EX-61

By Senators Day and Scott:

WHEREAS, It is in the public interest to preserve and maintain the public health; and WHEREAS, There is evidence that certain massage parlors and sauna baths are conducted and utilized for purposes other than massage or cleanliness, being places where conduct of the most lewd and salacious acts are perpetrated, contributing to the moral decline and degrading the standards of the community.

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council is requested to undertake a study of massage parlor practices, the qualifications and training of their personnel, and their standards of health.

BE IT FURTHER RESOLVED, That the results of the study, and recommendations, if any, be submitted to the Legislature prior to the next regular session for its consideration.

Senator Durkan moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-62

By Senator Durkan:

WHEREAS, The percentage and number of persons now unemployed in the State of Washington has surpassed the previous high recorded, back to the calendar year of 1950; and

WHEREAS, Hiring of personnel in State Government, and in the state tax-supported subdivisions, including the institutions of higher education, the state colleges, the community colleges, and the common schools, has been sharply reduced because of the sagging economy; and

WHEREAS, Records available to the Legislature indicate that some hiring is continuing;

NOW, THEREFORE, BE IT RESOLVED, That all entities supported by any revenue derived from state or local taxes, licenses and fees set a priority for their manpower recruitment efforts and limit any hiring to citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution immediately be forwarded for distribution to all affected hiring authorities within the State for their compliance.

#### POINT OF INQUIRY

Senator Canfield: "Senator Durkan, I like your explanation and I approve of what you are trying to do but the resolution says to limit and your explanation said rather to give priority and full consideration to our citizens. I would approve of that but when you then follow that by saying to limit it, that would keep anybody from coming into the state on any pretext whatsoever for a job. I wonder if you would not be willing to follow your oral recommendation rather than absolutely limiting the hiring to citizens. Let us set the priority, let us keep your recommendation, but let us do not absolutely close the door."

Senator Durkan: "Mr. President, I accept that."

## POINT OF ORDER

Senator Andersen: "As I read Senator Durkan's resolution, which I agree with incidentally, it purports I believe to mandate that these entities set the priority and so on and so forth. I do not believe we can do this by Senate resolution. I think if we are mandating something of this kind, I think, in effect you are talking about telling them to do something and that is the law. I do not believe a Senate resolution has the force of law by itself or that this can be done without concurrent resolution or some other order. I just do not think it is in order unless the words do this and this be requested to set a priority or something of that kind."

Senator Durkan: "Mr. President, I would yield to Senator Andersen's comments just as long as I think that we agree that we want the word to get to these people that this is what we expect them to do."

"Now I am not so concerned about the manner in which it is drafted and perhaps Senator Andersen is correct on that, as to the effect of the resolution and that is to tell these people that the legislature would hope that they would go within the confines of the state of Washington first before they start going out of its borders."

## POINT OF INQUIRY

Senator Dore: "Would Senator Durkan yield? Senator, if this resolution is adopted, would this prevent Mr. Kinnear to go to Chicago from hiring the Jacobs Company again?"

Senator Durkan: "Actually, what it would do is if we could find qualified appraisers in the state of Washington, that is who we should use. We do not need to go to Chicago or anywhere else to hire appraisers if we have them available here."

On motion of Senator Andersen, the following amendment to the resolution was adopted:

On line 2 of the fourth paragraph, after "fees" insert "be requested to"

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

## MOTION

At 11:30 a.m., on motion of Senator Greive, the Senate recessed until 12:30 p.m.

## NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:30 p.m.

There being no objection, President Pro Tempore Henry declared the Senate to be in recess until 2:30 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

## MOTIONS

On motion of Senator Keefe, Senator Durkan was excused.

On motion of Senator Huntley, Senator Holman was excused.

On motion of Senator Atwood, Senators McDougall, Dore and Atwood were excused.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 125.

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

## SENATE RESOLUTION: 1971-EX-63

By Senators Ridder and Fleming:

WHEREAS, It would appear to be in the public interest to avoid, as far as possible, duplicative administration in public retirement systems; and

WHEREAS, The benefit formulas of the Washington Public Employees' Retirement System and the Washington State Teachers' Retirement System are nearly identical; and

WHEREAS, The contribution rates of the employees are the same; and

WHEREAS, The two retirement boards must each employ separate staffs, actuaries, investment consultants, attorneys and medical directors; and

WHEREAS, The Forty-second Legislature deems it advisable that the Forty-third Legislature be fully informed in this connection;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the State Public Pension Commission be requested to conduct a study as to the feasibility of combining the Washington Public Employees' Retirement System and the Washington Teachers' Retirement System and to make a full report of such study, together with recommendations for action, to the Forty-third Regular Session of the Legislature, the report and recommendations among other things, to cover all phases of combining to the end that rights, credits and benefits of members be maintained;

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the said Public Pension Commission.

#### MOTIONS

On motion of Senator Bailey, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

On motion of Senator Guess, Senate Bill No. 792 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 853, by Representatives Bledsoe, Morrison, North and Ross:

Repealing prohibition on sale of contraceptives.

The Senate resumed consideration of Engrossed House Bill No. 853 and the pending committee amendments. Senator Day had moved the adoption of the committee amendments on April 28, 1971.

#### POINT OF INQUIRY

Senator Odegaard: "Would Senator Day yield to a question? Senator, is this on the first amendment? In the digest it speaks of two amendments, or are these being considered together?"

Senator Day: "The bill itself, I believe, is the part that, the first part I was speaking to, and the amendment would strike 18,81,030, retail licenses-eligibility. That reads, 'No retail dealer's license shall be issued to any person who does not hold a valid and subsisting license issued under the laws of the state of Washington authorizing the holder to operate a drug store, pharmacy or dispensary. Nor shall any sale be made,' and so forth, 'Except in the place of business and business establishment of the licentiate.'"

Senator Odegaard: "In the digest it states the first amendment strikes the statute making it a gross misdemeanor to advertise matters relating to the treatment of venereal disease and restoration of lost manhood and similar matters."

Senator Day: "Yes, that is an old statute that is pretty well covered now by the amendment in 1961 which gave the medical disciplinary board powers to regulate advertising and so that is the House bill. The amendment is what I have just explained. That is the committee amendment."

Senator Odegaard: "Thank you, Senator Day. Apparently the caucus digest is incorrect."

Debate ensued.

The motion by Senator Day carried and the committee amendments were adopted.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 853, 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. 853, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 11; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Bailey, Clarke, Connor, Cooney, Day, Donohue, Elicker, Francis, Gardner, Greive, Henry, Herr, Keefe, Knoblauch, Lewis, Matson, Metcalf,



Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Woodall—31.

Voting nay: Senators Canfield, Fleming, Foley, Guess, Huntley, Jolly, Mardesich, Newschwander, Odegaard, Talley, Wilson—11.

Absent or not voting: Senators Gissberg, McCutcheon—2.

Excused: Senators Atwood, Dore, Durkan, Holman, McDougall—5.

ENGROSSED HOUSE BILL NO. 853, 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.

SENATE BILL NO. 863, by Senators Walgren, Washington and Atwood:  
Pertaining to local improvement districts.

#### REPORT OF STANDING COMMITTEE

April 7, 1971.

SENATE BILL NO. 863, pertaining to local improvement districts (report by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 3, strike all of section 4 and renumber the remaining sections accordingly.

Beginning on line 5 of the title, after "RCW 35.44.220;" strike all of the material down to and including "RCW 35.44.250;" on line 7.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Elicker, Fleming, McDougall, Peterson (Ted), Ridder, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment beginning on page 3 was adopted.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Andersen was adopted:

On page 5 following line 7 insert a new section to read as follows:

"Sec. 6. Section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190 are each amended to read as follows:

All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited shall be made [either by the city or town itself or] by contract on competitive bids whenever the estimated cost of such improvement including the cost of materials, supplies, labor, and equipment will exceed the sum of five thousand dollars. The city or town may reject any and all bids. [The board, officer, or authority charged with the duty of letting contracts for local improvements shall determine whether the local improvements shall be done by contract or by the city or town itself.] *The city or town itself may make the local improvements if all the bids received exceed by ten percent preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the city or town.*"

Renumber the remaining sections consecutively.

On motion of Senator Clarke, the committee amendment to the title was adopted.

On motion of Senator Walgren, the following amendment to the title was adopted.

On motion of Senator Walgren, the following amendment by Senators Mardesich and Andersen to the title was adopted:

On page 1, line 9 of the title after "35.43.030" and before "amending" on line 10 insert "amending section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190"

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 863 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. 863, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 4; excused, 5.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Huntley,

Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Whetzel, Wilson—39.

Voting nay: Senator Talley—1.

Absent or not voting: Senators Gissberg, McCutcheon, Washington, Woodall—4.

Excused: Senators Atwood, Dore, Durkan, Holman, McDougall—5.

ENGROSSED SENATE BILL NO. 863, having received the constitutional 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. 863 was ordered immediately transmitted to the House.

SENATE BILL NO. 89, by Senators Peterson (Ted), Knoblauch and Murray:  
Requiring second hand dealers to fence or hedge certain parts of their premises.

#### REPORT OF STANDING COMMITTEE

April 28, 1971.

SENATE BILL NO. 89, requiring second hand dealers to fence or hedge certain parts of their premises (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 9, after "hand" and before "goods" insert "household"

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Gardner, Gissberg, Huntley, Keefe, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Peterson (Ted), the committee amendment was adopted.

On motion of Senator Peterson (Ted), the rules were suspended, Engrossed Senate Bill No. 89 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 Huntley: "Mr. President, would Senator Ted Peterson yield? Senator, first of all I am for this concept, but I notice down in section 2 that you are directing that the state patrol shall make these inspections. Have you provided any funding for the state patrol to do this job?"

Senator Peterson (Ted): "Senator, this is just in the smaller communities. I do not know whether you will have the problem that we have but that is under five thousand and I do not think there will be any problem there at all. Anything over five thousand is taken care of in the cities, where most of these junk dealers have businesses."

#### POINT OF INQUIRY

Senator Guess: "Will Senator Ted Peterson yield? Senator, on the main street in Cheney there is an antique dealer who sells second hand goods and his property is such that you could reach out on the sidewalk and touch his place and he uses the front yard to display such things as you mentioned a few minutes ago. I just wonder if this is going to make him put a fence up along the main street and thus deprive him of a showcase that he has been using all these years?"

Senator Peterson (Ted): "Senator, I would say that if it is up to the criteria which you are suggesting here, that maybe he should do something like that. If he has it on the other side of a fence or if it is just an open display, then in this case he will screen it. If it is tied in with his building, he displays most of his things inside and, if this is household, Senator. . . ."

Senator Guess: "Yes, this is household."

Senator Peterson (Ted): "He will move these household things in where he displays them through the window and that is all we are asking him to do."

Senator Guess: "Senator, he does not have any windows that he can display these things through. The house has very small windows and it would be impossible for a passerby

to see these things. Now he has had a bunch of old kitchen cabinets out there that somebody might think they were good. He has also had antique clocks out from time to time and he has had washing machines and things like this. Are we now going to deny him the use of his private property?"

Senator Peterson (Ted): "Senator Guess, it sounds to me like something should be done here. I do not know how the people of Cheney appreciate something like this, having a clock outside means there is not much to the clock. The things that you refer to sound like they might be junk and there is no deterioration there, if he cannot screen it a little."

#### POINT OF INQUIRY

Senator Fleming: "Would Senator Peterson (Ted) yield? Senator, I was looking at the last section in this bill. I would assume under this bill the penalty that would be laid upon an individual breaking this act or the law would be a misdemeanor?"

Senator Peterson (Ted): "Yes."

#### MOTIONS

On motion of Senator Mardesich, Engrossed Senate Bill No. 89 was ordered placed on the third reading calendar for Saturday, May 1, 1971.

On motion of Senator Keefe, Senate Bill No. 264 was ordered to hold its place on the second reading calendar for Saturday, May 1, 1971.

#### SECOND READING

SENATE BILL NO. 85, by Senators Walgren and Twigg (by Municipal Committee request):

Establishing rules for assumption of indebtedness by cities and towns.

#### MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 85 was substituted for Senate Bill No. 85 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Whetzel, the rules were suspended, Substitute Senate Bill No. 85 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 85, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 5; excused, 5.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Connor, Day, Gissberg, McCutcheon, Stender—5.

Excused: Senators Atwood, Dore, Durkan, Holman, McDougall—5.

SUBSTITUTE SENATE BILL NO. 85, having received the 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 HOUSE BILL NO. 69, by Committee on Revenue and Taxation:

Providing for the taxation of mobile homes.

## REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, providing for the taxation of mobile homes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike all the matter after the enacting clause and insert the following:

"Section 1. Section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130 are each amended to read as follows:

The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and *mobile home identification tags* and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles and the *issuance of mobile home identification tags*; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles and the *issuance of mobile home identification tags*.

Sec. 2. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates and the *issuance of mobile home identification tags* under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates and to *issue mobile home identification tags, collect fees therefor, and receive the payment of property taxes on mobile homes*.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration [or], the right to operate any vehicle upon the public highways of this state, or the *issuance of mobile home identification tags*, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 3. Section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: PROVIDED FURTHER, That [no] a special permit or one-transit permit shall be issued for movement of a [house trailer as defined in chapter 82.50 RCW unless the applicant therefor has a stamp issued thereunder] *mobile home as defined in RCW 82.50.010 pursuant to section 34 of this 1971 amendatory act*.

Sec. 4. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses and *mobile home identification tags* under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle basic license fee as provided for in RCW 46.16.060 and each *mobile home identification tag fee as provided for in section 29 of this 1971 amendatory act*, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Sec. 5. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

"Motor vehicle" means all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles

carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, (4) [house trailers] *mobile homes and travel trailers* as defined in RCW 82.50.010, or (5) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

"Commission" or "tax commission" means the [tax commission] *department of revenue* of the state.

Sec. 6. Section 82.50.010, chapter 15, Laws of 1961 as last amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than [thirty-two] *thirty-five* feet in length or *more than eight* feet in width, except as hereinafter specifically excluded, and *excluding modular homes as defined below.*

"Travel trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are [thirty-two] *thirty-five* feet or less in length and eight feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any *factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.*

"Commission" means the department of revenue of the state.

"Director" means the director of motor vehicles of the state.

Sec. 7. Section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020 are each amended to read as follows:

An annual excise tax is imposed on the owner of any [mobile home or] travel trailer for the privilege of using such [mobile home or] travel trailer in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the [mobile home or] travel trailer is located at the time payment is made and shall be due on and after January 1st or on the date the [mobile home or] travel trailer is first purchased or brought into this state, and paid on or before January 31st of each calendar year or thirty days after the [mobile home or] travel trailer is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any [mobile home or] travel trailer upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such [mobile home or] travel trailer has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Sec. 8. Section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each calendar year shall be one and one-half percent of the fair market value of the [mobile home or] travel trailer, 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 [mobile home or] travel trailer used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the [mobile home or] travel trailer is first used; PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A [mobile home or] travel trailer shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the year or any part thereof immediately preceding the year in which application for license is made.

Sec. 9. Section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040 are each amended to read as follows:

The classification and schedule prepared under RCW 82.44.040 for [mobile homes or] travel trailers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

Sec. 10. Section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050 are each amended to read as follows:

The tax hereunder for any [mobile home or] travel trailer not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for [mobile homes or] travel trailers used as facilities for human habitation.

Sec. 11. Section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070 are each amended to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer[,] and a description of the [mobile home or] travel trailer [, and in the case of a mobile home its location at the time of payment of the tax] which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the

calendar year under the name of owners of [mobile home or] travel trailers, listed alphabetically.

[In addition thereto the county auditor or the director shall issue a license plate and register the mobile home or travel trailer as if they were "house trailers" under the provisions of chapter 46.16 and shall collect the additional fees therein provided. Such license plate shall be displayed in the manner prescribed in RCW 46.16.240: PROVIDED, That when the mobile home or travel trailer is not using the public highways the license plate shall be displayed pursuant to rules or orders promulgated by the department.]

Sec. 12. Section 82.50.101, chapter 15, Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101 are each amended to read as follows:

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and any other areas where [mobile home or] travel trailers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

Sec. 13. Section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105 are each amended to read as follows:

On or before the fifteenth day of February of each calendar year, the director shall cause to be mailed to the owners of [mobile homes or] travel trailers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the [mobile home or] travel trailer, 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, the director may forward a notification of delinquency to the county sheriff of the county wherein the [mobile home or] travel trailer is located, requesting distraint of said [mobile home or] travel trailer.

Sec. 14. Section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110 are each amended to read as follows:

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.

The tax hereunder shall be a specific lien on the [mobile home or] travel trailer 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 [mobile home or] travel trailer may become charged or liable, after July 1, 1957, and no sale or transfer of any [mobile home or] travel trailer shall in any way affect the lien for such excise tax upon the [mobile home or] travel trailer.

Sec. 15. Section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120 are each amended to read as follows:

It shall be unlawful for any owner or other person to remove a [mobile home or] travel trailer from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

Sec. 16. Section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130 are each amended to read as follows:

When notified by the director that the excise tax is delinquent on any [mobile home or] travel trailer, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the [mobile home or] travel trailer, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the [mobile home or] travel trailer, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the [mobile home or] travel trailer for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the [mobile home or] travel trailer, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such [mobile home or] travel trailer, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided, shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12.

Sec. 17. Section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140 are each amended to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the [mobile home or] travel trailer by posting written notices in three public places in the county in which the [mobile home or] travel trailer is located, one of which shall be at the county court house of such county, and by posting a written notice on the [mobile home or] travel trailer in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the [mobile home or] travel trailer will be sold. He shall tax the same fees for making the distraint and sale of the [mobile home or] travel trailer for the payment of taxes as are allowed him by law for making levy and sales of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the [mobile home or] travel trailer is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such [mobile home or] travel trailer and posting of the notices, the sheriff shall proceed to sell the [mobile home or] travel trailer at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the [mobile home or] travel trailer so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

Sec. 18. Section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Twenty percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; twenty percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and sixty percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. [No portion of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28.41.130:] *PROVIDED, That the effective date of this section, as amended, shall be July 1, 1971.*

Sec. 19. Section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180 are each amended to read as follows:

The following [mobile homes or] travel trailers are specifically exempted from the operation of this chapter:

(1) Any unoccupied [mobile home or] travel trailer when it is part of an inventory of [mobile homes or] travel trailers held for sale by a manufacturer or dealer in the course of his business.

(2) A [mobile home or] travel trailer owned by any government or political subdivision thereof.

(3) A [mobile home or] travel trailer owned by a nonresident and currently licensed in another state, unless such [mobile home or] travel trailer shall remain in this state for a period of ninety days or more during the calendar year.

(4) [Mobile homes or] Travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

(5) A mobile home which has substantially lost its identity as a mobile unit by virtue of being permanently fixed in location upon land owned by the owner of the mobile home and placed on a permanent foundation, subsequent to the removal of the hitch, wheels and axles of said unit, and with fixed pipe connections with sewer, water or other utilities.

Following the permanent placement of said mobile home as provided herein, and upon the request of the owner, made to the county assessor, the assessor shall confirm compliance with the conditions of this subsection and if the unit so qualifies, the unit will be entered on the real property tax rolls of the involved county, and said unit shall be exempted from the provisions of this chapter from and after the date it is assessed as a part of the real property.]

Sec. 20. Section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190 are each amended to read as follows:

No mobile home or travel trailer which is a part of the inventory of mobile homes or travel trailers held for sale by a dealer in the course of his business and no [mobile home or] travel trailer with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

Sec. 21. Section 82.50.200, chapter 15, Laws of 1961 as amended by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200 are each amended to read as follows:

[Mobile homes or] Travel trailers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Sec. 22. Section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090 are each amended to read as follows:

The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the state of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation. *Except for the purposes of chapters 84.56 and 84.60 RCW, the term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being permanently fixed in location upon land owned or leased by the owner of the mobile home and placed on a permanent foundation with fixed pipe connections with sewer, water, or other utilities.*

Sec. 23. Section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use.

(2) The personal property, other than specified in subdivision (1) hereof, of each head of a family liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars of actual values: PROVIDED, That this exemption shall not apply to any private motor vehicle, or mobile home, and: PROVIDED, FURTHER, That if the county assessor is satisfied that all of the personal property of any person is exempt from taxation under the provisions of this statute or any other statute providing exemptions for personal property, no listing of such property shall be required; but if the personal property described in subdivision (2) of this section exceeds in value the amount allowed as exempt, then a complete list of said personal property shall be made as provided by law, and the county assessor shall deduct the amount of the exemption authorized by this subdivision from the total amount of the assessment and assess the remainder.

Sec. 24. Section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120 are each amended to read as follows:

For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a widow, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width.

NEW SECTION. Sec. 25. There is added to chapter 46.01 RCW a new section to read as follows:

In addition to all other powers and duties, the director of motor vehicles shall design and adopt an identification tag to be used by mobile home owners in lieu of the vehicle license and vehicle license number plate requirements of this state. The director shall have the power to adopt such rules and regulations pertaining to mobile homes as the director deems necessary.

NEW SECTION. Sec. 26. There is added to chapter 46.12 RCW a new section to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

NEW SECTION. Sec. 27. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.



**NEW SECTION.** Sec. 28. There is added to chapter 46.16 RCW a new section to read as follows:

Vehicle licenses and vehicle license number plates shall not be required for mobile homes and need not be displayed thereon. In lieu of vehicle licenses and vehicle license number plates, the director or his agents, including county auditors, shall issue mobile home identification tags for each calendar year. Such tags shall be issued beginning on the first day of the current licensing period or on the date the mobile home is first purchased or brought into this state and shall be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding motor vehicle licensing period or from the thirtieth day after the mobile home is first purchased or brought into this state whichever date is the latest.

The mobile home identification tag shall be displayed in a conspicuous manner on the mobile home identified by such tag. It shall be unlawful to display on any mobile home, mobile home identification tags other than those furnished by the director or his agents, including county auditors, for such mobile home or to display upon any mobile home any mobile home identification tag which has been in any manner changed, altered, disfigured, or has become illegible.

The director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of mobile home identification tag whereby the same shall be used as long as legible on the mobile home for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the mobile home to signify renewals, in which event the term "mobile home identification tag" as used in any enactment shall be deemed to include in addition to such tag, the tab or emblem signifying renewal except when such tag contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

**NEW SECTION.** Sec. 29. There is added to chapter 46.16 RCW a new section to read as follows:

Application for original mobile home identification tag shall be made on a form designed and furnished for the purpose by the director. Such application shall be made by the owner of the mobile home or his duly authorized agent over the signature of such owner or agent and he shall certify that the statements therein are true to the best of his knowledge.

There shall be paid for the issuance of the mobile home identification tag a fee of nine dollars and forty cents which shall be collected by the director or his agents, including county auditors, one-half of which shall be credited to the payment of property taxes due, if any, on such mobile home at that time.

Annually the director shall include the applicable assessed valuation of a mobile home on the application form for a mobile home identification tag together with a notation of the mobile home identification tag fee which shall be transmitted to the county treasurer. The county treasurer shall multiply the applicable assessed valuation by the total applicable millage and determine the property taxes due and payable. The county treasurer shall mail the completed application form showing the property taxes due and payable and the identification tag fee due to the applicant. After payment or legal provision for payment is made, the director or his agents, including county auditors, shall issue the mobile home identification tag and a receipt showing that the fee therefor has been paid and also shall issue a receipt for the property taxes paid.

When the applicant makes an original application for a mobile home identification tag after the close of the thirty-five day registration period as set forth in section 28 of this 1971 amendatory act, the county treasurer shall prorate the amount of property tax for the following year's collection on a monthly basis.

**NEW SECTION.** Sec. 30. There is added to chapter 46.16 RCW a new section to read as follows:

Upon receipt by agents of the director, including county auditors, of original applications for mobile home identification tags accompanied by the proper fees and taxes as provided for in section 29 of this 1971 amendatory act, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the identification tag fees, to the director.

**NEW SECTION.** Sec. 31. There is added to chapter 46.16 RCW a new section to read as follows:

(1) Upon receipt of the application and identification tag fee for an original mobile home identification tag, the director shall make a recheck of the application and in the event there is 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 mobile home identification tag shall be made to the director or his agents, including county auditors, by the owner of a mobile home on a form prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director unless the applicant submits a preprinted application mailed from Olympia and the payment of fees and taxes as may be required by law. Such application shall be handled in the same manner and the fees and taxes transmitted 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 on it the name of the lienholder, if any, of the mobile home concerned.

(3) Persons expecting to be out of the state during the period from January first through February first may, not earlier than December first but prior to January first, secure renewal of a mobile home identification tag and have such tag preissued by making application to the director or his agents, including county auditors, upon forms prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director and be accompanied by the payment of such fees as may be required by law 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 property tax as may be required by law.

**NEW SECTION.** Sec. 32. There is added to chapter 46.16 RCW a new section to read as follows:

After receipt of payment of property taxes under the provisions of this 1971 amendatory act, the director or his agents, including county auditors, shall transmit such taxes to the county treasurer who shall receive and collect such taxes as required of county treasurers under the provisions of Title 84 RCW.

**NEW SECTION.** Sec. 33. The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in section 34 of this 1971 amendatory act and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where such mobile home will be located: **PROVIDED,** That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

**NEW SECTION.** Sec. 34. When any mobile home as defined in RCW 82.50.010 except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: **PROVIDED,** That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund.

**NEW SECTION.** Sec. 35. Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by section 34 of this 1971 amendatory act shall be guilty of a misdemeanor: **PROVIDED,** That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home.

**NEW SECTION.** Sec. 36. There is added to chapter 46.70 RCW a new section to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

**NEW SECTION.** Sec. 37. There is added to chapter 82.50 RCW a new section to read as follows:

The provisions of chapter 82.50 RCW shall remain applicable to mobile homes through December 31, 1972. All mobile homes subject to the property tax shall be listed and assessed for the first time on January 1, 1972 and such tax shall be paid during 1973 in accordance with the laws of this state.

**NEW SECTION.** Sec. 38. There is added to chapter 84.40 RCW a new section to read as follows:

The director of revenue shall prepare a schedule of the value of mobile homes for property tax purposes. A copy of such schedule shall be sent to all county assessors and to the director of the department of motor vehicles.

**NEW SECTION.** Sec. 39. There is added to chapter 84.40 RCW a new section to read as follows:

Every person who wilfully avoids the payment of property taxes on mobile homes subject to such tax under the laws of this state shall be guilty of a misdemeanor.

**NEW SECTION.** Sec. 40. Section 28, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.185 are each repealed."

Strike all of the title and substitute the following:

"An Act relating to mobile home taxation; amending section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW

46.16.100; amending section 46.68.030, chapter 12, Laws of 1961 and RCW 46.68.030; amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967, and RCW 82.44.010; amending section 82.50.010, chapter 15, Laws of 1961 as amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010; amending section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020; amending section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030; amending section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040; amending section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050; amending section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070; amending section 82.50.101, chapter 15, Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101; amending section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105; amending section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110; amending section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120; amending section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130; amending section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140; amending section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160; amending section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180; amending section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190; amending section 82.50.200, chapter 15, Laws of 1961 as amended by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200; amending section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090; amending section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110; amending section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120; adding a new section to chapter 46.01 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.70 RCW; adding a new section to chapter 82.50 RCW; adding new sections to chapter 84.40 RCW; creating new sections; repealing section 28, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.185; prescribing penalties; and providing an effective date."

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Guess, Jolly, Lewis, Metcalf, Peterson (Ted), Sandison, Stortini, Woodall.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

On motion of Senator Whetzel, the following amendment to the committee amendment was adopted:

On page 20, section 40, line 27 of the amendment insert as section 40.

"NEW SECTION. Sec. 40. If any provision of this 1971 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 section 40 of the committee amendment as section 41.

The committee amendment, as amended, 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 Substitute House Bill No. 69, 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.

#### MOTION

On motion of Senator Twigg, Senator Lewis was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 69, as amended by the Senate, and the bill passed the Senate by the following vote Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Murray, Newschwander,

Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-41.

Absent or not voting: Senators McCutcheon, Talley-2.

Excused: Senators Atwood, Dore, Durkan, Holman, Lewis, McDougall-6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, 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.

HOUSE BILL NO. 53, by Representatives Cunningham, Berentson and Connor (by departmental request):

Providing changes in the regulation of classified drivers licenses.

The bill was read the second time by sections.

#### MOTION

On motion of Senator Huntley, House Bill No. 53 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

SENATE BILL NO. 428, by Senators Canfield, Greive, Day and Lewis:

Providing for a model litter control act.

#### REPORT OF STANDING COMMITTEE

April 28, 1971.

SENATE BILL NO. 428, providing for a model litter control act (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

Strike all the matter after the enacting clause and insert the following:

"NEW SECTION. Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control, there is hereby enacted this "Model Litter Control Act".

NEW SECTION. Sec. 2. The purpose of this 1971 act is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 act. The intent of this 1971 act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

NEW SECTION. Sec. 3. As used in this 1971 act, unless the context indicates otherwise:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of the department of ecology;
- (3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;
- (4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;
- (7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;
- (8) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(9) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

**NEW SECTION.** Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 act.

**NEW SECTION.** Sec. 5. The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this 1971 act and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this 1971 act. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this 1971 act and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this 1971 act or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

**NEW SECTION.** Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

**NEW SECTION.** Sec. 7. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines.

**NEW SECTION.** Sec. 8. Pertinent portions of this 1971 act shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this 1971 act and the penalties for violating its provisions.

**NEW SECTION.** Sec. 9. The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to chapter 34.04 RCW. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

**NEW SECTION.** Sec. 10. The department shall design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 act, such litter

bags shall be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available to the owners of watercraft in this state and shall also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 act.

**NEW SECTION.** Sec. 11. Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

**NEW SECTION.** Sec. 12. There is hereby levied and there shall be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by-products, multiplied by one and one-half hundredths of one percent in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half hundredths of one percent in the case of sales at wholesale and/or at retail.

**NEW SECTION.** Sec. 13. Because it is the express purpose of this 1971 act to accomplish effective litter control within the state of Washington and because it is a further purpose of this 1971 act to allocate a portion of the cost of administering it to those industries whose products including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products.
- (9) Glass containers.
- (10) Metal containers.
- (11) Plastic or fiber containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Nondrug drugstore sundry products.

**NEW SECTION.** Sec. 14. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is required, define the categories (1) through (13) as set forth in section 13 of this 1971 act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 act to allocate a portion of the cost of administration of this 1971 act to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

**NEW SECTION.** Sec. 15. "Sold within this state" or "sales of the business within this state" as used in section 12 of this 1971 act shall mean all sales of retailers engaged in business within this state and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

**NEW SECTION.** Sec. 16. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

**NEW SECTION.** Sec. 17. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. In all other instances, the assessment shall be applied.

**NEW SECTION.** Sec. 18. There is hereby created an account within the general fund to be known as the "Litter Control Account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this 1971 act shall be deposited in the litter control account and used for the administration and implementation of this 1971 act.

**NEW SECTION.** Sec. 19. The department shall allocate funds annually for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

**NEW SECTION.** Sec. 20. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 act;

(3) Cooperate with all local governments to accomplish coordination of local anti-litter efforts;

(4) Encourage, organize, and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 act.

**NEW SECTION.** Sec. 21. To aid in the state-wide anti-litter campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter campaign of the state of Washington.

**NEW SECTION.** Sec. 22. Every person convicted of a violation of this 1971 act for which no penalty is specially provided for shall be punished by a fine of not more than ten dollars for each such violation.

**NEW SECTION.** Sec. 23. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

**NEW SECTION.** Sec. 24. If any provision of this 1971 act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 25. This 1971 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.

**NEW SECTION.** Sec. 26. This 1971 act constitutes an alternative to Initiative 40. The secretary of state is directed to place this 1971 act on the ballot in conjunction with Initiative 40 at the next general election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the general election, this 1971 act shall continue in effect thereafter."

Strike all of the title and substitute the following:

"An Act relating to the public welfare; providing for a Model Litter Control Act; creating new sections; repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120; repealing section 2, chapter 85, Laws of 1967 and RCW 9.66.060; repealing section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070; repealing section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650; providing penalties; levying a tax; creating an account within the general fund; and declaring an emergency."

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Waigren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendments were not adopted.

On motion of Senator Canfield, the following amendments by Senators Mardesich and Canfield were adopted:

Strike all the matter after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control, there is hereby enacted this "Model Litter Control Act".

**NEW SECTION.** Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

**NEW SECTION.** Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

(1) "Department" means the department of ecology;

(2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(9) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

*NEW SECTION. Sec. 4.* In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act.

*NEW SECTION. Sec. 5.* The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this 1971 amendatory act. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this 1971 amendatory act or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

*NEW SECTION. Sec. 6.* No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

*NEW SECTION. Sec. 7.* The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines.

*NEW SECTION. Sec. 8.* Pertinent portions of this 1971 amendatory act shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

*NEW SECTION. Sec. 9.* The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public



places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to chapter 34.04 RCW. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

**NEW SECTION. Sec. 10.** The department shall design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 amendatory act, such litter bags shall be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available to the owners of watercraft in this state and shall also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 amendatory act.

**NEW SECTION. Sec. 11.** Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

**NEW SECTION. Sec. 12.** There is hereby levied and there shall be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by-products, multiplied by one and one-half hundredths of one percent in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half hundredths of one percent in the case of sales at wholesale and/or at retail.

**NEW SECTION. Sec. 13.** Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering it to those industries whose products including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products.
- (9) Glass containers.
- (10) Metal containers.
- (11) Plastic or fiber containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Nondrug drugstore sundry products.

**NEW SECTION. Sec. 14.** The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is required, define the categories (1) through (13) as set forth in section 13 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

**NEW SECTION. Sec. 15.** "Sold within this state" or "sales of the business within this

state" as used in section 12 of this 1971 amendatory act shall mean all sales of retailers engaged in business within this state and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

**NEW SECTION.** Sec. 16. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

**NEW SECTION.** Sec. 17. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. In all other instances, the assessment shall be applied.

**NEW SECTION.** Sec. 18. There is hereby created an account within the general fund to be known as the "Litter Control Account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this 1971 amendatory act shall be deposited in the litter control account and used for the administration and implementation of this 1971 amendatory act.

**NEW SECTION.** Sec. 19. The department shall allocate funds annually for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

**NEW SECTION.** Sec. 20. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local anti-litter efforts;

(4) Encourage, organize, and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 amendatory act.

**NEW SECTION.** Sec. 21. To aid in the state-wide anti-litter campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter campaign of the state of Washington.

Sec. 22. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

**NEW SECTION.** Sec. 23. Every person convicted of a violation of this 1971 amendatory act for which no penalty is specially provided for shall be punished by a fine of not more than ten dollars for each such violation.

**NEW SECTION.** Sec. 24. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

**NEW SECTION.** Sec. 25. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 26. This 1971 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.

**NEW SECTION.** Sec. 27. This 1971 amendatory act constitutes an alternative to Initiative 40. The secretary of state is directed to place this 1971 amendatory act on the ballot in conjunction with Initiative 40 at the next general election.

This 1971 amendatory act shall continue in force and effect until the secretary of state certifies the election results on this 1971 amendatory act. If affirmatively approved at the general election, this 1971 amendatory act shall continue in effect thereafter."

Strike all of the title and substitute the following:

"An Act relating to the public welfare; providing for a Model Litter Control Act; creating new sections; amending section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655; repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120; repealing section 2, chapter 85, Laws of 1967 and RCW 9.66.060; repealing section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070; repealing section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650; providing penalties; levying a tax; creating an account within the general fund; and declaring an emergency."

On motion of Senator Canfield, the rules were suspended, Engrossed Senate Bill No. 428 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. 428 and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—41.

Voting nay: Senator Washington—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Dore, Durkan, Holman, Lewis, McDougall—6.

ENGROSSED SENATE BILL NO. 428, having received the constitutional 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 Matson, Engrossed House Bill No. 575 was ordered placed on the calendar for today immediately following consideration of Engrossed House Bill No. 144.

ENGROSSED HOUSE BILL NO. 38, by Representatives Mentor, Wanamaker and Randall:

Extending and expanding real property tax exemption to sectarian organizations.

#### REPORT OF STANDING COMMITTEE

March 30, 1971.

ENGROSSED HOUSE BILL NO. 38, extending and expanding real property tax exemption to sectarian organizations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 27, after "July 1," strike "1973" and insert "1977".

On page 3, line 2, following section 2, insert the following:

"Sec. 3. Section 84.36.020, chapter 15, Laws of 1961, as amended by section 3, chapter 103, Laws of 1961 and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands used exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches, built and supported by donations, whose seats are free to all; and the ground, not exceeding five acres in area, upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage and convent. The area exempted shall in any case include all ground covered by the church, parsonage and convent [and parsonage] and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with [both] church, [and] parsonage, and convent, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet. The parsonage and

*convent need not be on land contiguous to the church property if the total area exempted does not exceed the areas above specified. To be exempt the grounds must be used wholly for church purposes."*

On page 3, beginning on line 2, strike all of section 3.

On line 3 of the title, after "84.36.030;" insert "; amending section 84.36.020, chapter 15, Laws of 1961, as amended by section 3, chapter 103, Laws of 1961 and RCW 84.36.020;"

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Gissberg, Huntley, Lewis, Mardesich, Odegaard, Peterson (Ted), Ridder, Stortini, Talley.

The bill was read the second time by sections.

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

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 38, 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.

#### MOTION

On motion of Senator Andersen, Senator Clarke was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 38, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 2; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-39.

Voting nay: Senator Francis-1.

Absent or not voting: Senators McCutcheon, Newschwander-2.

Excused: Senators Atwood, Clarke, Dore, Durkan, Holman, Lewis, McDougall-7.

ENGROSSED HOUSE BILL NO. 38, 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 Scott, Engrossed House Bill No. 144 was ordered to hold its place on the second reading calendar for Saturday, May 1, 1971.

ENGROSSED HOUSE BILL NO. 575, by Representatives Morrison, Moon, Newhouse, Wolf, Lynch and Smythe:

Providing that counties may elect an average base commitment rate for the subsidized probation program.

The bill was read the second time by sections.

On motion of Senator Matson, the following amendments by Senators Matson and Odegaard were adopted:

On page 2, section 1, (5), line 31 of the engrossed bill, being line 30 of the printed bill, after "earns" insert "*in a payment period*" and on line 32 of the engrossed bill, being line 31 of the printed bill, after "previous" strike "year" and insert "[year] *payment period*"

On page 3, line 3, of the engrossed bill, being line 2 of the printed bill, after "sum" strike "equal to the prior year's payment" and insert "[equal to the prior year's payment] *not to exceed actual program expenditures*", and on line 4 of the engrossed bill, being line 3 of the printed bill, after "subsequent" strike "years" and insert "[years] *periods*"

On page 3, line 4 of the engrossed bill, being line 3 of the printed bill, after "earned" insert ": *PROVIDED, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to the effective date of this act*"

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No.

575, 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.

#### MOTION

On motion of Senator Andersen, Senator Stender was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 575, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 1; excused, 8.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Matson, Metcalf, Murray, Newschwander, Odeggaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Clarke, Dore, Durkan, Holman, Lewis, McDougall, Stender—8.

ENGROSSED HOUSE BILL NO. 575, 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.

HOUSE BILL NO. 1060, by Representatives Kraabel, Thompson, Smythe, Zimmerman, Goldsworthy and Charnley:

Providing for trails along the public highways of this state.

The bill was read the second time by sections.

Senator Ridder moved adoption of the following amendments by Senators Ridder, Washington and Guess:

On page 1, section 1, beginning on line 3 strike all of subsection (1) and insert the following:

(1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

On page 1, section 1, line 12, after "crosses a" and before "of substantial" strike "route" and insert "recreational trail"

On page 1, section 1, line 16, after "existing" and before "of substantial" strike "route" and insert "recreational trail"

On page 1, section 1, line 17, after "planned" and before "for pedestrians" strike "route" and insert "recreational trail"

On page 1, section 1, line 20, after "where such" and before "exist at" strike "routes" and insert "recreational trails"

On page 1, section 1, line 21, after "of said" and before "shall be" strike "routes" and insert "recreational trails"

Debate ensued.

## POINT OF INQUIRY

Senator Whetzel: "Senator Ridder, would you yield? Senator, looking at these series of amendments where you strike 'route' and insert 'trail', you do that until you get down to the last amendment and you strike 'facilities' and insert 'trail'. I wonder if that does not make a substantial change in the meaning of section 2 because I think that might be broader than 'trail'?"

Senator Ridder: "'Facilities' is an extremely broad terminology here. You can imagine what kind of facilities for pedestrians could be. These could be outdoor privies, these could be a number of facilities. I think 'trail' specifies exactly what we mean by facilities."

Senator Whetzel: "What would be wrong with including facilities in the designs? There is nothing here that requires these to be built by anyone and certainly not by the highway construction agency, as I read section 2. It just seems to me that is changing the entire meaning of section 2."

Senator Ridder: "According to Mr. Butts of the highway department, this was to tighten up the wording. The bill is to provide for recreational trails along traveled routes, limited access highways and other highways. In this sense the plan is not to build these facilities, it is merely to provide routes along limited access highways."

The motion carried and the amendments by Senators Ridder, Washington and Guess were adopted.

On motion of Senator Ridder, the rules were suspended, House Bill No. 1060, 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. 1060, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Henry, McCutcheon, Matson—3.

Excused: Senators Atwood, Dore, Durkan, Holman, Lewis, McDougall, Stender—7.

ENGROSSED HOUSE BILL NO. 1060, 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 4:15 p.m., on motion of Senator Greive, the Senate adjourned until 10:30 a.m., Saturday, May 1, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FIRST DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, May 1, 1971.

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 Durkan, Gardner, McDougall, Matson and Newschwander.

On motion of Senator Keefe, Senators Durkan and Gardner were excused. On motion of Senator Andersen, Senators McDougall, Matson and Newschwander were excused.

The Color Guard, consisting of Pages Debra Westwood, Color Bearer, and Roger Pollard, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered prayer as follows:

"This is the day which the Lord has made. Let us rejoice and be glad in it! Our Father God, on this May Day, we thank Thee for the flowering beauty of this Capitol Campus. We thank Thee for the golden opportunities for service above self within this legislative Chamber. We thank Thee for arduous tasks to be done and for these chosen servants to do the work. 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 their Senatorial service. O Master of all good workmen, set us to work anew. Amen."

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

## REPORTS OF STANDING COMMITTEES

May 1, 1971.

SENATE BILL NO. 736, requiring the use of safety glazing materials (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: That Substitute Senate Bill No. 736 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

ENGROSSED HOUSE BILL NO. 642, implementing law relating to savings banks (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE GOVERNOR

Office of the Governor, April 30, 1971.

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

GENTLEMEN:

I have the honor to advise that on April 30 Governor Evans approved the following Senate Bill, entitled:

ENGROSSED SENATE BILL NO. 925: Removing "payment under protest" requirement as to actions to recover excess taxes paid in 1971.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel.

### MESSAGES FROM THE HOUSE

April 30, 1971.

Mr. President: The Speaker has signed HOUSE BILL NO. 270, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 30, 1971.

Mr. President: The Speaker has signed:  
SENATE BILL NO. 126,  
SENATE BILL NO. 137,  
SENATE BILL NO. 203,  
SENATE BILL NO. 261,  
SENATE BILL NO. 419,  
SENATE BILL NO. 469,  
SENATE CONCURRENT RESOLUTION NO. 5,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 30, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

April 30, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 655, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 1, 1971.

Mr. President: The Speaker has signed SENATE BILL NO. 125, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 655, by Committee on Natural Resources and Ecology:

Providing measures to prevent and control polluting caused by the discharge of oil.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, by Committee on Higher Education:

Implementing law relating to fees of state's colleges and universities.

Referred to Committee on Higher Education and Libraries.

### MOTION

On motion of Senator Keefe, Senate Bill No. 264 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

### THIRD READING

ENGROSSED SENATE BILL NO. 89, by Senators Peterson (Ted), Knoblauch and Murray:

Requiring second hand dealers to fence or hedge certain parts of their premises.

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. 89, and the bill passed the Senate by the following vote: Yeas, 29; nays, 12; absent or not voting, 2; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Day, Donohue, Elicker, Foley, Francis, Gissberg, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Walgren, Washington, Whetzel—29.

Voting nay: Senators Canfield, Cooney, Fleming, Guess, Huntley, Metcalf, Odegaard, Ridder, Talley, Twigg, Wilson, Woodall—12.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Dore, Durkan, Gardner, McDougall, Matson, Newschwander—6.

ENGROSSED SENATE BILL NO. 89, having received the 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. 270

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 144, by Representatives Bledsoe, Bagnariol, Ceccarelli, Eikenberry, Barden, Cunningham and Litchman:

Providing business and occupation tax deduction for certain computer services.

## MOTIONS

On motion of Senator Guess, Engrossed House Bill No. 144 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

At 10:45 a.m., on motion of Senator Bailey, the Senate recessed until 12:20 p.m.

## NOON SESSION

The President called the Senate to order at 12:20 p.m.

## MOTION

On motion of Senator Holman, Engrossed House Bill No. 11 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

## SECOND READING

ENGROSSED HOUSE BILL NO. 44, by Representative Benitz:

Providing for the cancellation of county warrants after one year.

The bill was read the second time by sections.

On motion of Senator Canfield, the rules were suspended, Engrossed House Bill No. 44 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. 44, and

the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Connor, Greive, McCutcheon—3.

Excused: Senators Durkan, Gardner, McDougall, Matson, Newschwander—5.

ENGROSSED HOUSE BILL NO. 44, having received the 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 HOUSE BILL NO. 47, by Committee on Local Government:

Defining and providing a method for dissolution of inactive port districts.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Substitute House Bill No. 47 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. 47, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Durkan, Gardner, McDougall, Matson, Newschwander—5.

SUBSTITUTE HOUSE BILL NO. 47, having received the constitutional 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 Gissberg, Engrossed House Bill No. 84 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

ENGROSSED HOUSE BILL NO. 133, by Representatives North, Bottiger and Smythe (by Legislative Council request):

Providing for control by the boundary review boards of certain action by cities, towns or special purpose districts.

The bill was read the second time by sections.

On motion of Senator Whetzel, the following amendment was adopted:

On page 1, section 1, line 22, of the printed and engrossed bill, after "extension of" and before "water" insert "permanent"

On motion of Senator Whetzel, the rules were suspended, Engrossed House Bill No. 133, 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. 133, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Durkan, McDougall, Matson, Newschwander—4.

ENGROSSED HOUSE BILL NO. 133, 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.

HOUSE BILL NO. 171, by Representatives Zimmerman, Flanagan and Martinis:

Defining "wildlife agent."

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the rules were suspended, House Bill No. 171 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. 171, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Durkan, McDougall, Matson, Newschwander—4.

HOUSE BILL NO. 171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTIONS

On motion of Senator Gissberg, House Bill No. 172 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

On motion of Senator Donohue, the Senate returned to the first order of business.

## REPORT OF STANDING COMMITTEE

April 30, 1971.

SENATE BILL NO. 897, pertaining to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommends that Substitute Senate Bill No. 897 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Connor, Day, Donohue, Elicker, Fleming, Francis, Gissberg, Guess, Holman, Jolly, Metcalf, Peterson (Ted), Sandison, Stortini, Twigg, Walgren.

On motion of Senator Gissberg, Substitute Senate Bill No. 897 was substituted for Senate Bill No. 897. The rules were suspended and Substitute Senate Bill No. 897 was advanced to second reading and read the second time in full.

Senator Lewis moved adoption of the following amendment:

On page 1, section 1 (a), line 16 strike “[twelve and one-half] *twenty-five*” and insert “*twelve and one-half*”

On motion of Senator Walgren, the amendment by Senator Lewis was laid upon the table.

On motion of Senator Atwood, the rules were suspended, Substitute Senate Bill No. 897 was advanced to third reading, the second 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. 897, and the bill passed the Senate by the following vote: Yeas, 31; nays, 11; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Wilson—31.

Voting nay: Senators Andersen, Dore, Elicker, Guess, Holman, Lewis, Murray, Talley, Twigg, Whetzel, Woodall—11.

Absent or not voting: Senators Greive, McCutcheon—2.

Excused: Senators Cooney, Durkan, McDougall, Matson, Newschwander—5.

SUBSTITUTE SENATE BILL NO. 897, having received the 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 Atwood, Substitute Senate Bill No. 897 was ordered immediately transmitted to the House.

At 12:55 p.m., on motion of Senator Greive, 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 President declared the Senate to be in recess until 2:50 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 2:50 p.m.

#### MOTION

On motion of Senator Dore, Senate Concurrent Resolution No. 30 was referred to the Committee on Ways and Means.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 181, by Representatives Julin and Wojahn (by Judicial Council request):

Establishing when any statute of limitations is tolled.

#### REPORT OF STANDING COMMITTEE

April 3, 1971.

ENGROSSED HOUSE BILL NO. 181, establishing when any statute of limitations is tolled (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 8 of the printed and engrossed bill after "first" strike the balance of the section, which includes the House amendment by the Committee on Judiciary on page 1, section 1, line 12, and insert: "*If service has not been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint. If the action is commenced by service on one or more of the defendants or by publication, the plaintiff shall file the summons and complaint within ninety days from the date of service. If following service, the complaint is not so filed, or following filing, service is not so made, the action shall be deemed to not have been commenced for purposes of tolling the statute of limitations.*"

Sec. 2. Section 1, chapter 86, Laws of 1895 and RCW 4.28.010 are each amended to read as follows:

Civil actions in the several superior courts of this state shall be commenced by the service of a summons, as hereinafter provided, or by filing a complaint with the county clerk as clerk of the court: PROVIDED, That unless service has been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint: PROVIDED FURTHER, That an action shall not be commenced for the purpose of tolling any statute of limitations unless pursuant to the provisions of RCW 4.16.170."

On line 2 of the title, after "RCW 4.16.170" and before the period insert "; and amending section 1, chapter 86, Laws of 1895 and RCW 4.28.010"

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Woodall, the rules were suspended, Engrossed House Bill No. 181, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 181, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Elicker, McCutcheon—2.

Excused: Senators Durkan, McDougall, Matson, Newschwander—4.

ENGROSSED HOUSE BILL NO. 181, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 200, by Representatives Thompson, Wolf, Martinis and Paris:  
Authorizing the relocation of harbor lines in front of Kalama and Everett.

#### REPORT OF STANDING COMMITTEE

April 19, 1971.

HOUSE BILL NO. 200, authorizing the relocation of harbor lines in front of Kalama and Everett (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 21, after "county," and before "and" insert "*Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county,*" and on line 22, after "county" and before the period insert "*, except that the harbor area in front of the city of Everett shall not be extended northerly of any portion of the east line of Government channel*"

Signed by: Senators Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

The bill was read the second time by sections.

On motion of Senator Talley, the committee amendment was adopted.

On motion of Senator Talley, the rules were suspended, House Bill No. 200, 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. 200, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senator Mardesich—1.

Absent or not voting: Senators Elicker, McCutcheon—2.

Excused: Senators Durkan, McDougall, Matson, Newschwander—4.

HOUSE BILL NO. 200, 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.

HOUSE BILL NO. 209, by Representatives Kopet, Backstrom, Chatalas and Hoggins (by Legislative Budget Committee request):

Fiscal agencies, technical change.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 209 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. 209, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Elicker, McCutcheon—2.

Excused: Senators Durkan, McDougall, Matson, Newschwander—4.

HOUSE BILL NO. 209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Keefe, the Senate commenced consideration of Senate Bill No. 264.

SENATE BILL NO. 264, by Senators Francis, Gardner, Keefe, Ridder and Dore (by Joint Committee on Education request):

Providing financial aid to certain students attending elementary and secondary schools.

## REPORT OF STANDING COMMITTEE

March 30, 1971.

SENATE BILL NO. 264, providing financial aid to certain students attending elementary and secondary schools (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 18, strike all of section 8 and renumber the remaining section

In line 1 of the title, after "students" and before "who" strike "in the common schools"

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Day, Dore, Fleming, Gissberg, Greive, Guess, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 3, line 18 was adopted.

## MOTIONS

On motion of Senator Sandison, Senator Henry was excused.

On motion of Senator Andersen, Senators Atwood and Elicker were excused.

Senator Stender moved adoption of the following amendment:

On page 3, section 7, line 17, after "doing" insert "": PROVIDED, That such aid shall only be granted to any qualified student attending a school which does not discriminate on the basis of race, religion, sex, or national origin in the hiring of administrators, faculty and staff or in the admission of students"

Debate ensued.

## POINT OF INQUIRY

Senator Francis: "Would Senator Stender yield? Senator, under your amendment, if the Tacoma Baptist School were to hire any of their teachers and request as part of that hiring that the teachers be Baptists, would that be a violation of this section or would that prohibit a student who receives aid under this from attending that school?"

Senator Stender: "The amendment does not say that, Senator. The amendment says a school which does not discriminate on the basis of race, religion, sex or national origin in the hiring. If they would only hire Baptists, for example, then of course that would be discriminating in that sense, I would believe."

Senator Francis: "If one or two of the members of the faculty were Catholic or atheists and the remaining members of the faculty were Baptists, you do not think that would be any problem then with this section?"

Senator Stender: "So long as there is not a line of discrimination, I think that is the purpose of the amendment because it would line up with the provisions as I have noted on Article VIII, section 4 of the State Constitution that I had read just a moment ago."

On motion of Senator Dore, the amendment by Senator Stender was laid upon the table.

Senator Stender moved adoption of the following amendment:

On page 3, section 10, line 27, insert as section 10 the following:

"NEW SECTION. Sec. 10. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1972, 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.

On motion of Senator Keefe, the amendment by Senator Stender was laid upon the table on a rising vote.

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. 264 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 Stender: "Would Senator Ridder yield to a question? Senator, you were a member of the interim committee on education that dealt with this matter during the interim. Is that correct?"

Senator Ridder: "Yes."

Senator Stender: "I notice also you are one of the sponsors of the measure. Now, Senator, I did review some of the testimony that was printed in the report that you made and I know when we were in the Committee on Rules and Joint Rules we were discussing this measure as to whether it should be sent out. You made some statements as to the condition of the schools, the private schools in Seattle. Is not it true that the private schools are in dire financial need in Seattle?"

Senator Ridder: "They are. They are closing three parochial schools next year in Seattle and two in Everett."

Senator Stender: "Will this measure give them material help in keeping open?"

Senator Ridder: "I would not categorically state that this would result in maintaining these three schools they are closing, but I would state that in the hearings that we had and the input we had from all private schools that such a move would give many private schools heart to stay open and this is the thing that we are attempting to do."

"There are about fifty-two thousand parochial school children in the state of Washington that would come under public schooling. Were they all to close and shift these students into the public sector, this is the thing that would be extremely difficult to take. It takes on the average about six hundred and fifty dollars to educate a student and you can imagine that this costs about two hundred and fifty dollars from the state money. This gets to be quite an overhead if they were, all fifty-two thousand to come in. So this would give them a measure of security to stay open and try to raise money and keep going, figuring that they could make it."

Senator Stender: "One further question, I want to preface it, Senator, if you will yield. On Thursday, January 28, 1971, the Tacoma News Tribune has a little quote here from Father Cobb. . . ."

#### POINT OF ORDER

Senator Greive: "Under Rule 17, you are unable to read any document without permission of the body and I would have no objection to Senator Stender reading any document he wishes, provided it is not read in this particular manner because this is putting it into the record for the purpose of a court contest obviously. So for that reason I object unless he wants to merely read it as a part of a speech, then I would not object. I would object under Rule 17 to reading any document."

Senator Stender: "Senator, I have had many questions asked me and I did not know that there was any reason why I could not ask another Senator a question. Senator Ridder, you are an author of this bill as you previously testified on my other question. In section 7 of the measure, it provides that state financial aid recipient under this 1971 act shall apply the award solely toward the cost of supplying books, tuition, incidentals and other fees or such other authorized expenditures as the state board of education shall deem proper, subject to the denial of further financial aid for such recipient not so doing. Now, where in the public school system would this type of a need arrive for a school child attending public school?"

Senator Ridder: "For instance, any youngster attending our junior high school has to pay twenty-seven dollars and fifty cents for his insurance, for physical education clothing, towel fees, locker fees, breakage fees and if he takes shop, for his woodshop fees, and I can go on."

Senator Stender: "In other words, what you are saying, this particular bill would authorize the state to pay for those particular fees? Is that all?"

Senator Ridder: "In the wording of this it says all other fees, incidentals and other fees, tuition, books. Now, of course, in the public schools no tuition but it is tuition of a sort in some cases."

Senator Stender: "It would be the same thing in the private schools, the parochial schools, correct?"

Senator Ridder: "Right."

Senator Stender: "I see. Thank you, Senator."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Francis yield? Senator, I just can hardly contain myself, I mean I could really shoot to the ceiling here but I have been consistent in my voting and I have said that I was not going to vote for any increase in the appropriations. I have kept that in the Committee on Ways and Means. Now you have struck the appropriation out of here and still you are proposing that the bill go through. You know as well as I do that it is an endeavor in futility and I want to know from you as to what this bill is going to accomplish now and why you struck the appropriation?"

Senator Francis: "Let me answer the last part first by saying that I did not strike the appropriation, the Ways and Means Committee struck the appropriation and I was opposed to that. The appropriation was struck, however, because nobody felt we could afford to fund this program. Now the question becomes, what is going to happen in this biennium as a result of this bill when there is no appropriation for it? I am speaking mainly here to section 3. Remember this is a scholarship bill. Students who are not able to go to school because of



family financial circumstances have to be identified. Criteria has to be established, the students themselves have to be surveyed in various ways.

"These students, when they are awarded a scholarship, can apply it any way they wish with the limitations that are in here, in either a public or a private school as long as it is with regard to tuition, fees, incidental expenses related to their education. The program itself has to get started. There may well be funds under URRD, under federal funds or other places to apply the scholarships but at the present time the state board of education is not authorized to give these poor students scholarships, poor in the sense of finances, not in the sense of their scholastic ability.

"The question really is, is there any authority to try to meet the social needs involved of taking care of these children and giving them a chance to complete a K through 12 education. I think a great deal can be done without an appropriation and I think it is important that we move ahead on the bill."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Will Senator Dore yield? Senator, now we struck the appropriation. What assurance do we have that there will not be an appropriation worked out of this session of the legislature? Could you answer me yes or no whether there will be one?"

Senator Dore: "I think Senator Francis probably has answered it as well as I."

Senator Peterson (Ted): "He has not, Senator."

Senator Dore: "Except I might say this, based on the money in the state allocation that we are going to be eligible to receive seven or eight million dollars in federal funds if we satisfy the criteria of the federal government. If we had the enabling legislation passed, then this money would go to the state superintendent of public instruction and he could then use the money to satisfy that criteria. I think there have been a lot of statements made about this helping the private schools. Actually this is a tested procedure in the various constitutional courts of this state and nation whereby it has been upheld that the state can give to students—it is like the principle in which, after the second world war, the GI bill was created which gave tuition and fees to returning GI's to go to school, whether it be public or private.

"This is the same concept that is in this bill, only it is extended to the K to 12. There are no funds. There may well be—I think some of the reasoning on the taking of the money out of the bill is more or less the procedure we have followed in other bills that have gone through here that we wanted to be able to handle all money matters in a single committee and not put individual bills through with appropriations on them. I think it has been on very rare occasions when bills have actually passed this legislature with the money directly on it. I think there was an exception in the state scholarship bill which went through on the floor with a six hundred thousand dollar appropriation, but to my memory that is about the only one I can remember.

"So I assume that some attempt will be made in the budget conference committee or in the supplemental budget, probably more likely. When bills go through they have to be funded and then the various appropriations committees have to prepare a supplemental budget. As yet we have prepared just half of that budget and then when we get to the end of the session we find out what bills have passed that have not been funded in the individual bills and they are brought before the committee for acceptance or rejection. I assume that the amendment might be offered along the route to fund it to the tune of the bill of five hundred thousand dollars. Actually I think probably a better way to fund it would be to rely upon the federal funds which will be received as a result of the matching state funds in the URD appropriation which the Governor has recommended at the nine million dollar level which is up some three million dollars from two years ago."

Senator Peterson (Ted): "Further question. On nine million dollars, what would that take in funding from the state of Washington?"

Senator Dore: "That is now before the budget conference committee. I do not know if any final decision has been made on that particular level but it has been voted on by the body. I think without any appropriation or any further action that these moneys might be used to secure a federal matching fund for needy and disadvantaged children, no matter where they are going to school. Under the terms of this bill they can receive up to three hundred dollars for help. It could be in terms of clothing or incidental expenses and very little for tuition or books. In other words, it goes to the needy students. The same concept that we passed the other day in Senate Bill 419 for those attending colleges and universities, the same concept in the K to 12. But I think in the K to 12 would be probably more made available in certain core areas of our cities and probably a great part of that would be used for things other than tuition or books, probably it would be used actually for perhaps shoes for the individual, maybe getting lunch money and maybe to buy some pencils and so on, can be used for a number of other purposes, up to the amount of three hundred dollars per student per year."

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Andersen yield to a question? Senator, you

and I have spoken of these things before and I am not sure just how you feel on these things but I think for our side you should make a statement on this. Would you do that?"

Senator Andersen: "I would like to answer Senator Peterson's question, also the answers which I presume are on the record from Senator Dore and Senator Francis in response to Senator Peterson's earlier questions. I do not believe that there is any one of us in this Senate or in this Legislature that is not concerned with the problem of bolstering up our private schools. As a matter of fact, when Senator Dore talked about the bill to provide one hundred dollars for tuition of people in higher education going to private schools, he is talking about Senate Bill 419 which I introduced and which has now passed the Legislature. That is not equivalent to this bill, however, because in that case it was funded. There was a specific provision made for that one hundred dollar scholarship in the Governor's budget; there was provision for it in both the House and Senate versions of the budget; and I am sure it is going to be provided for in the final budget bill that passes at this Legislature.

"The cruel thing to me, and it is one of the big problems that we face in our country today, is that governments and politicians promise so much and then deliver so little. I can see this bill passing here and headlines and hopes being raised in the breasts of people who are needy and unfortunate and who cannot possibly get the money, at least not in the foreseeable future, with our present financial condition here in this state. They hear they are going to get three hundred dollars and then they come to their government and say, 'Where do we go to apply?' and the government says, 'Well, you know that was just the Senate or somebody talking or a bill being passed that was never funded.' One of the real big problems that we face in our country today is with the people of this country being fed up with some of their governments and fed up with some of the things that their governments do like making promises and then welshing on them. Here we are impliedly promising three hundred dollars a year for each youngster in K through 12 in these private schools and we cannot possibly deliver. There is no chance that we are going to be able to deliver to these people because the appropriation has been struck from this bill. I think that this is a cruel, unfortunate thing and I do not believe that this Legislature should indulge in it just so somebody can grab a couple of headlines for having passed the scholarship bill, when this is just not the case at all."

Senators Keefe, Gissberg and Connor demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 264.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 264, and the bill passed the Senate by the following vote: Yeas, 26; nays, 15; absent or not voting, 1; excused, 7.

Voting yea: Senators Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Keefe, Knoblauch, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Twigg, Washington, Whetzel, Woodall—26.

Voting nay: Senators Andersen, Bailey, Canfield, Clarke, Huntley, Jolly, Lewis, Mardesich, Murray, Peterson (Ted), Scott, Stender, Talley, Walgren, Wilson—15.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

ENGROSSED SENATE BILL NO. 264, having received the 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 Greive, Engrossed Senate Bill No. 264 was ordered immediately transmitted to the House.

On motion of Senator Woodall, Engrossed House Bill No. 213 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

ENGROSSED HOUSE BILL NO. 221, by Representatives Bluechel, Williams and Cunningham (by Secretary of State request):

Creating a secretary of state's revolving fund.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 221 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. 221, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Voting nay: Senator Ridder—1.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newchwander—7.

ENGROSSED HOUSE BILL NO. 221, having received the 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 HOUSE BILL NO. 222, by Representatives Bluechel, Spanton and Ross (by Secretary of State request):

Deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 222 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, Engrossed House Bill No. 222 was ordered placed on the third reading calendar for Monday, May 3, 1971.

HOUSE BILL NO. 237, by Representatives Schumaker, Savage, Zimmerman, Backstrom and Mentor:

Increasing the dollar amount of resources that can be sold through the small sale procedure of the department of natural resources.

The bill was read the second time by sections.

On motion of Senator Wilson, the rules were suspended, House Bill No. 237 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. 237, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE BILL NO. 237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 242, by Representatives Shinpoch, Brown, Smythe and Grant (by Secretary of State request):

Providing elections officials instruction in use of voting devices and setting minimum pay for election officials.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, House Bill No. 242 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. 242, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Voting nay: Senator Huntley—1.

Absent or not voting: Senator Andersen, McCutcheon—2.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE BILL NO. 242, having received the constitutional 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 Woodall, Engrossed House Bill No. 244 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

ENGROSSED SENATE BILL NO. 149, by Senators Talley, Connor and Peterson (Ted):

Authorizing a two hundred dollar minimum dues for members of the Washington Public Ports Association.

The Senate resumed consideration of Engrossed Senate Bill No. 149 having been amended on March 2, 1971 and by motion returned to the Committee on Rules and Joint Rules. By resolution, Engrossed Senate Bill No. 149 was reintroduced and retained in present status.

On motion of Senator Talley, the rules were suspended, Engrossed Senate Bill No. 149 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. 149, and

the bill passed the Senate by the following vote: Yeas, 28; nays, 13; absent or not voting, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Greive, Herr, Huntley, Jolly, Keefe, Knoblauch, Mardesich, Metcalf, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Talley, Washington—28.

Voting nay: Senators Canfield, Clarke, Gardner, Guess, Holman, Lewis, Murray, Peterson (Ted), Twigg, Walgren, Whetzel, Wilson, Woodall—13.

Absent or not voting: Senator McCutcheon—I.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

ENGROSSED SENATE BILL NO. 149, having received the constitutional 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 Metcalf moved that the Senate do immediately reconsider the vote by which Engrossed Senate Bill No. 149 passed the Senate.

#### POINT OF INQUIRY

Senator Andersen: "Would Senator Whetzel yield to a question? Senator, I believe you have been examining the amendments and I wonder if you would be kind enough to advise the body what the amendments consist of."

Senator Whetzel: "Yes, Senator Andersen. If you will recall, this was a bill that we had out before us for a number of days on the floor and there were a number of amendments considered and I believe the ones that are in our bill book are the ones that are on the bill. They are in a slightly different form than they are in the bill book.

"One of the key sections that I think we spent quite a bit of time on was section 3 dealing with the port commissioners having a population of more than one hundred thousand. The amendment says they shall by adoption of their resolution receive a salary of three hundred dollars per month and I think that the concern over this particular amendment is that this applies at least to the Seattle port commission. The point here is that these commissioners are presently receiving a salary by their choice of one dollar a year and they passed a resolution saying that they did not want this increase that we in the legislature are giving them. At a time when we are cutting the budgets for state agencies and appropriations to education, it seems to me anyway unwise to pass an increase that comes out of property taxes in the King county area. A tax increase to port commissioners who have indicated by a public resolution, that they do not want it. I think that is the key item of concern in this particular amendment.

"In addition, there was another provision for a twenty-five dollar per day payment to commissioners of other port districts. I think those are the items, Senator Andersen, that are in the amendments. Underneath all of this heavy weight of amendments there is a bill that I do not think there is any particular objection to, that deals with the provision for the payment of the port to the Washington Public Ports Association. It would be my hope that the body would reconsider this bill and we would find some way maybe we can take these amendments off and pass the bill that Senator Talley has been so anxious to get through here in the form in which he introduced it, which I think is without controversy."

#### PARLIAMENTARY INQUIRY

Senator Day: "Did not we adopt the committee amendments? Were there any other amendments than the committee amendments?"

#### REPLY BY THE PRESIDENT

The President: "The amendments adopted were floor amendments. No committee amendments were proposed."

#### PARLIAMENTARY INQUIRY

Senator Day: "Did we adopt the amendment by Senators McDougall and Greive to new section 3 which reads, 'Commissioners of port districts having a population of more

than one hundred thousand persons according to the latest United States census may, by adoption of port commission resolution authorizing same, receive a salary of three hundred dollars per month? Is that correct?"

#### REPLY BY THE PRESIDENT

The President: "The amendment states 'may', Senator Day."

#### POINT OF INQUIRY

Senator Day: "Will Senator Whetzel yield? Did not I understand you to say that this would mandate that they receive a salary? According to the way I interpret this is that if the port commission does not want to pass the resolution that authorizes the salary, they just will not get it."

Senator Whetzel: "I think it should say 'may'. They are being given the authority by resolution. The last section is the repealer of the present procedure by which they receive their salary increase which does require a vote of the people. We are taking that out in the present law."

Senator Day: "Yes, but we are not mandating the commissioners to take a salary. We are merely authorizing it if they pass a resolution to that effect, but we are certainly not forcing a salary on anyone."

Senator Whetzel: "We are, in this sense, in that the law does not now provide for this and we have to repeal RCW 53.12.250. In that sense we are facilitating and making it possible for this increase. Without our action they could not do it."

Senator Day: "Yes, but that is entirely different. As I understood your explanation you said that we were mandating them a salary, and as I understand it, it is a discretionary thing that if they do not want the salary they certainly would not have to take it under this amendment."

On motion of Senator Metcalf, the motion for reconsideration was held for consideration on Monday, May 3, 1971.

#### MOTION

On motion of Senator Walgren, Engrossed House Bill No 254 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

SUBSTITUTE HOUSE BILL NO. 257, by Committee on Social and Health Services:  
Permitting liens for child support payments.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 257 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. 257, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 2; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

SUBSTITUTE HOUSE BILL NO. 257, having received the constitutional 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, House Bill No. 307 was ordered placed at the end of the second reading calendar for today.

ENGROSSED HOUSE BILL NO. 337, by Representatives Kuehnle, Haussler, Pardini and Hatfield:

Requiring notice to owners of adjoining land when real property of an irrigation district is sold.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 337 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. 337, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 4; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Connor, McCutcheon, Metcalf, Washington—4.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

ENGROSSED HOUSE BILL NO. 337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 362, by Representatives Hubbard, Charette, Julin and Bottiger:

Providing that the rule against perpetuities applies to all trusts.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 362 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. 362, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE BILL NO. 362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 391, by Representatives Amen, Moon, Goldsworthy and Copeland:

Authorizing the sale, lease, or exchange of certain properties by Washington State University.

The bill was read the second time by sections.

On motion of Senator Huntley, the rules were suspended, House Bill No. 391 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. 391, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE BILL NO. 391, having received the 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, Engrossed House Bill No. 540 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

On motion of Senator Bailey, Engrossed House Bill No. 727 was ordered to hold its place on the second reading calendar for Monday, May 3, 1971.

HOUSE JOINT MEMORIAL NO. 3, by Representatives Hansey, May, Van Dyk, Costanti, Pardini, Berentson, North, Moon, Backstrom, Cunningham, Kilbury and Knowles: Memorializing Congress to have reflectors placed on the sides of rail cars.

The memorial was read the second time in full.

On motion of Senator Washington, the rules were suspended, House Joint Memorial No. 3 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 House Joint Memorial No. 3, and the memorial passed the Senate by the following vote: Yeas, 30; nays, 11; absent or not voting, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Talley, Washington, Whetzel—30.

Voting nay: Senators Clarke, Gissberg, Holman, Mardesich, Metcalf, Scott, Stortini, Twigg, Walgren, Wilson, Woodall—11.

Absent or not voting: Senator Connor—1.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE JOINT MEMORIAL NO. 3, having received the constitutional majority, was declared passed.



HOUSE CONCURRENT RESOLUTION NO. 7, by Representatives Lynch, Benitz, King, Kiskaddon, Shinpoch and Chatalas:  
Providing for study of post-high school education financing.

## REPORT OF STANDING COMMITTEE

April 15, 1971.

HOUSE CONCURRENT RESOLUTION NO. 7, providing for study of post-high school education financing (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 29 insert the following:

"BE IT FURTHER RESOLVED, That the state's colleges, universities, community colleges and the State Board for Community College Education are hereby directed to provide the Council on Higher Education with such information as the Council may deem necessary to assure an adequate analysis of the requirements of higher education in the state of Washington. The Council shall develop and specify uniform definitions of terms and data elements for the purpose of uniform reporting including, but not limited to, definitions of student enrollment categories, full-time equivalency, space utilization and expenditure program categories. In developing standard program categories, the Council shall give special attention to clearly distinguishing between academic, vocational-technical and community service instructional programs offered by community colleges. The Council shall monitor the progress of the institutions and the State Board in developing uniform and reliable information and shall provide periodic reports on such programs to the Legislative Budget Committee."

On page 2, beginning on line 30, strike everything down to and including the period on page 3, line 2, and insert the following:

"BE IT FURTHER RESOLVED, That the Council on Higher Education shall report the preliminary findings, conclusions and recommendations resulting from this study to the Joint Committee on Higher Education and the Legislature, by December 1, 1971, and shall submit a final report to the Joint Committee on Higher Education and the Legislature by December 1, 1972, together with any draft legislation considered necessary."

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

The resolution was read the second time in full.

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

## POINT OF INQUIRY

Senator Canfield: "Will Senator Sandison yield? Is there a cost on this study?"

Senator Sandison: "It does not appear it will be other than it may be to the institution because we are asking them to give us some information that they may not have."

Senator Canfield: "Will there be a cost to the study?"

Senator Sandison: "I do not think there will be. There will be no particular cost other than some compiling of information."

Senator Canfield: "You have not asked for any fiscal impact then?"

Senator Sandison: "We have from the council on higher education and they felt they could handle it with the staff that they had."

Senator Canfield: "All right. Thank you."

On motion of Senator Sandison, the rules were suspended, House Concurrent Resolution No. 7, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 7, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Connor, Dore, Lewis—3.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

HOUSE CONCURRENT RESOLUTION NO. 7, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 28, by Senators Greive, Woodall and Washington:

Creating a joint committee on governmental cooperation.

The resolution was read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 28 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 28, and the resolution passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

SENATE CONCURRENT RESOLUTION NO. 28, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 29, by Senators Walgren and Twigg:

Establishing municipal committee as an interim committee of the legislature.

The resolution was read the second time in full.

Senator Ridder moved adoption of the following amendment:

On page 1, line 22, after "of" strike everything down to and including "four" on line 26 and insert "thirteen members, five senators, no more than three from any one political party, to be appointed by the President of the Senate and five Representatives, no more than three from any one political party, to be appointed by the Speaker of the House of Representatives, and the other three members, who shall be city officials, shall be selected by the ten"

Debate ensued.

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

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 29 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 29, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senator Whetzel—1.

Excused: Senators Atwood, Durkan, Elicker, Henry, McDougall, Matson, Newschwander—7.

SENATE CONCURRENT RESOLUTION NO. 29, having received the constitutional majority, was declared passed.

## MOTIONS

On motion of Senator Huntley, Senate Bill No. 486 was ordered to hold its place on the second reading calendar for Tuesday, May 4, 1971.

On motion of Senator Greive, the Senate returned to the third order of business.

## MESSAGE FROM THE HOUSE

May 1, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 897 with the following amendments:

On page 1, line 2 of the title after "and RCW" strike "82.28.065" and insert "84.28.065"

On page 1, section 1, line 16 after "[twelve and one-half]" strike "twenty-five" and insert "eleven and one-half"

On page 1, section 1, line 22 strike "[one] two" and insert "one"

On page 2, section 2, line 28 strike "[two] eight" and insert "two"

On page 2, section 2, line 32 strike "[one] four dollars" and insert "one dollar"

On page 3, section 3, line 28 strike "[twelve and one-half] twenty-five" and insert "twelve and one-half"

On page 4, section 3, line 1 strike "[one] two" and insert "one", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTIONS

On motion of Senator Greive, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 897 and asks the House to recede therefrom.

At 5:00 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Monday, May 3, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-THIRD DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, May 3, 1971.

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 Andersen, Dore, Gissberg, Henry, Mardesich, Matson, Whetzel and Woodall. On motion of Senator Atwood, Senators Andersen, Matson and Whetzel were excused. On motion of Senator Keefe, Senators Dore, Gissberg and Mardesich were excused. On motion of Senator Huntley, Senator Henry was excused. On motion of Senator Twigg, Senator Woodall was excused.

The Color Guard, consisting of Pages James Graham, Color Bearer, and Tedene Bottiger, presented the Colors. Reverend Sam B. Bang, pastor of Bethlehem Lutheran Church of Seattle offered prayer as follows:

"Almighty God who has given this good land of ours to us as our heritage, we humbly beseech Thee that Thou will always help us to prove ourselves as mindful of Thy will. We thank Thee for the trust the people of this state have placed in these men and women. Give them wisdom and vision that Thy will may be reflected in the decisions and be pleasing to Thee and for the good of our people. Grant, we pray, O God, a larger measure of Thy grace that these men and women may differ in the thinking and yet not lead to harmful discord. That they may be able to bring about justice and peace among our people. Our heavenly Father, we pray that Thou will commend Thy love and protection to care and have compassion for the men and women of our state who are suffering distress and anxiety through lack of work. Support and strengthen them that they may be able to see Thy will and to experience Thy love and strength. We thank Thee for the opportunity and use us as Thy servants and keep us witnessing to the fact that Thou art our God and we are Thy servants. In Christ's name we pray. Amen."

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

May 3, 1971.

SENATE BILL NO. 555, creating a liquor license to allow public dance halls to sell set-ups to patrons (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gardner, Gissberg, Knoblauch, Newschwander, Peterson (Lowell), Stortini.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

SENATE BILL NO. 691, authorizing local excise taxes for support of public transportation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Andersen, Bailey, Canfield, Day, Donohue, Francis, Greive, Guess, Huntley, Jolly, Lewis, Metcalf, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Twigg, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SENATE BILL NO. 912, implementing law relating to transportation facilities in this state (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor,

Donohue, Durkan, Foley, Herr, Jolly, Keefe, Knoblauch, Murray, Peterson (Lowell), Scott, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

SENATE BILL NO. 928, relating to redistricting (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Without recommendation.

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Dore, Greive, Holman, Keefe, Mardesich, Metcalf, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

SENATE CONCURRENT RESOLUTION NO. 11, directing a study of trails for nonmotorized recreational users (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

SENATE CONCURRENT RESOLUTION NO. 15, directing a study of oil tankers and oil spills in Puget Sound (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 77, providing certain changes in the regulation of motor vehicle dealers (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 82, removing the tax exemption on steam plants owned or operated by joint operating agencies and requiring existing facilities to negotiate amounts due (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Day, Donohue, Dore, Foley, Greive, Guess, Huntley, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Twigg, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 121, providing for licensing of airports (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Day, Dore, Foley, Gardner, Gissberg, Keefe, Knoblauch, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 140, prohibiting cancellation of insurance because of sex and/or marital status (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Peterson (Lowell), Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED HOUSE BILL NO. 167, providing for dissemination of tax petition information (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Dore, Fleming, Herr, Mardesich, Peterson (Ted), Ridder, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SUBSTITUTE HOUSE BILL NO. 176, providing for payment of counsel and transcript fees in cases involving indigents (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Foley, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 229, amending various items concerning public service companies (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, providing for suspended sentences for driving while intoxicated (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, providing penalties for late payment of excise taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Canfield, Donohue, Dore, Foley, Francis, Herr, Huntley, Lewis, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

ENGROSSED HOUSE BILL NO. 480, providing for the integration of regulatory programs of the department of ecology (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

HOUSE BILL NO. 486, pertaining to motor vehicle excise tax distributions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Canfield, Donohue, Dore, Foley, Guess, Huntley, Jolly, Lewis, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

April 27, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 510, making appropriations for state highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Durkan, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Murray, Peterson (Lowell), Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

HOUSE BILL NO. 532, controlling introduction of new species of fish into the state (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Matson, Peterson (Ted), Sandison.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 584, providing for the management of shoreline areas (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Metcalf, Peterson (Ted), Sandison, Talley.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

SUBSTITUTE HOUSE BILL NO. 595, enacting the Pollution Disclosure Act of 1971 (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, McCutcheon, Newschwander, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 657, providing a presumption that enactment of a statute was not intended to affect any litigation pending on or before the effective date of such statute (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Atwood, Foley, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 22, 1971.

ENGROSSED HOUSE BILL NO. 659, authorizing an evaluation of cross sound transportation and the preparation of a development plan therefor (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Donohue, Elicker, Foley, Huntley, Keefe, Lewis, McDougall, Matson, Murray, Peterson (Lowell), Talley, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 684, requiring that certain insurance contracts include psychological service (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Elicker, Francis, Holman, Keefe, Odegaard, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

ENGROSSED HOUSE BILL NO. 694, providing that the aid of specialists may be ordered by family courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Durkan, Foley, Greive, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 697, increasing penalty for criminal property damage in excess of seventy-five dollars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Foley, Greive, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, implementing law relating to fees of state's colleges and universities (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Durkan, Foley, Guess, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 803, providing that state finance committee shall control incurrence of state debt (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Day, Donohue, Fleming, Foley, Guess, Holman, Huntley, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 817, providing for issuance of general obligation bonds for indebtedness of Washington state building authority (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Day, Donohue, Foley, Guess, Huntley, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 29, 1971.

HOUSE BILL NO. 860, exempting hops in transit from property taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Donohue, Dore, Foley, Francis, Guess, Herr, Huntley, Jolly, Lewis, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Twigg, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 873, redistricting and reapportioning and state congressional districts (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Without recommendation.

Signed by: Senators Wilson, Vice Chairman; Canfield, Cooney, Dore, Greive, Holman, Keefe, Mardesich, Metcalf, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

HOUSE BILL NO. 1075, providing that certain collective bargaining agreements contain a provision for retroactive wages (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

HOUSE JOINT RESOLUTION NO. 52, amending the constitutional debt limitation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Day, Donohue, Fleming, Foley, Guess, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 1, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 33, calling for study of need for personal use clam licenses (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules for second reading.



GUBERNATORIAL APPOINTMENTS

May 1, 1971.

ERNEST L. PERRY, to the position of member of the Canal Commission, appointed by the Governor on July 1, 1969 for the term ending June 30, 1975, succeeding himself (reported by the Committee on Natural Resources, Fisheries and Game):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules.

May 1, 1971.

WAYNE SMYTH, to the position of member of the Canal Commission, appointed by the Governor on July 1, 1969 for the term ending June 30, 1975, succeeding himself (reported by the Committee on Natural Resources, Fisheries and Game):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson (Lowell), Chairman; Donohue, Gissberg, Metcalf, Peterson (Ted), Talley.

Passed to Committee on Rules and Joint Rules.

LETTER OF INFORMATION

May 1, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

DEAR SIR:

The following bills have been passed out of the Senate Committee on Revenue and Taxation into the full Committee on Ways and Means:

HOUSE BILL NO. 5: Including fiscal impact of tax exemptions, deductions, exclusions and credits in budget documents.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081: Pertaining to tax credits for pollution control facilities.

Sincerely,  
HUBERT F. DONOHUE, Chairman,  
Revenue and Taxation Committee

MESSAGES FROM THE HOUSE

May 1, 1971.

Mr. President: The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 35, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1971.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 768 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 52 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1971.

Mr. President: The Speaker has signed:  
HOUSE BILL NO. 52,  
SUBSTITUTE HOUSE BILL NO. 768,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1971.

Mr. President: The House has passed:  
 HOUSE JOINT MEMORIAL NO. 6,  
 ENGROSSED HOUSE JOINT RESOLUTION NO. 47,  
 and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1971.

Mr. President: The House has passed:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 417,  
 ENGROSSED HOUSE BILL NO. 1123,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, by Committee on Social and Health Services:

Authorizing advisory committees for the department of social and health services.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 1123, by Representatives Gallagher, Martinis, Adams, Kilbury, Jastad, Brouillet, Berentson, Haussler, Jueling and Marzano:

Exempting nonprofit blood banks from property taxes.

Referred to Committee on Ways and Means—Revenue and Taxation.

HOUSE JOINT MEMORIAL NO. 6, by Representatives Kilbury, Brown, Williams, Grant and Douthwaite (by Secretary of State request):

Seeking amendments to federal communications act respecting television coverage of political candidates.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, by Representatives Bluechel, O'Brien, Hoggins and Kiskaddon:

Amending Article VII, section 2 of the Constitution.

## MOTIONS

On motion of Senator Durkan, the rules were suspended, Engrossed House Joint Resolution No. 47 was advanced to second reading and read the second time in full.

On motion of Senator Durkan, Engrossed House Joint Resolution No. 47 was ordered placed at the end of the second reading calendar for today.

## INTRODUCTION AND FIRST READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives Shipoch, Lynch, Maxie, King, Kiskaddon, Rabel, Douthwaite, Knowles, Anderson, Goldsworthy, Shera, Benitz, Bottiger, Gladder, Bluechel and Chatalas:

Directing a study of college credit transfers.

Referred to Committee on Higher Education and Libraries.

## MOTION

Senator Metcalf moved that the Committee on Higher Education and Libraries be relieved of further consideration of Senate Bill No. 577.

Debate ensued.

## POINT OF ORDER

Senator Durkan: "Mr. President, we are talking about removing this bill from the committee and Senator Metcalf is discussing the merits of the bill, not whether or not it should be removed from the committee."

## RULING BY THE PRESIDENT

The President: "The question before the Senate is the motion by Senator Metcalf that the Senate Committee on Higher Education and Libraries be relieved of further consideration of Senate Bill No. 577. Would Senator Metcalf please confine his remarks to the motion."

## POINT OF INQUIRY

Senator Durkan: "Will Senator Metcalf yield? Senator, under the rules of the Senate as I understand it, you have the right to petition a majority of the members for removal of the bill from the committee?"

Senator Metcalf: "A majority of the committee members?"

Senator Durkan: "Yes, you can petition as I understand it, the rules so state. Have you sought out any of the members of the committee to ask them?"

Senator Metcalf: "Yes, I have. I have not made a formal petition but I have checked with the membership and as I said in my opening remarks, a bare majority of the committee does not favor bringing this bill out at this time."

## MOTIONS

On motion of Senator Durkan, the motion by Senator Metcalf was made a special order of business for 4:00 p.m., today.

Senator Bailey moved adoption of the following rule change:

RESOLVED, That the Senate adopt the following temporary rule:

RULE 73A. During the remainder of this extraordinary session, each member shall be limited to five minutes debate on each subject, with no yields; provided that this shall not be effective for redistricting, revenue and taxation and budget;

PROVIDED FURTHER, That gallery introductions, laudatory floor or senate resolutions, and other proceedings tending to divert the senate from consideration of substantive legislation, shall be out of order, during the remainder of this session.

## POINT OF INQUIRY

Senator Stender: "Will Senator Bailey yield? Senator, who shall we designate as the timekeeper for this particular rule?"

Senator Bailey: "Senator Stender, if it will help any I will personally buy an egg timer for the Lieutenant Governor. I think he is the one that keeps the time and he probably has a stop watch."

## POINT OF INQUIRY

Senator Atwood: "Senator Bailey, would you yield? Would you clarify the motion in regards to no yields?"

Senator Bailey: "Senator Atwood, the problem is that if you do not have that in the motion that I can stand up, each one of us are allowed five minutes and I can stand up and talk as long as forty-eight of you will yield your five minutes. I can stand here and talk for how many hours and I am just trying to say each one of us can only speak that time and cannot yield to another member. Now that does not preclude speaking five minutes on every motion, amendment or anything like that on the floor but . . ."

Senator Atwood: "But the effect of what you are doing is limiting each member to five minutes on each particular subject?"

Senator Bailey: "Yes."

## POINT OF INQUIRY

Senator Stender: "Senator Bailey, would you please yield again? I am a little confused as usual. When you say there is no yield, I have five minutes, assuming I am recognized, and I wanted to spend, say three minutes of it asking you to tell me something. I cannot quite follow how that would cut across the five minute rule because when my five minutes has run out, why of course I am through even though I allowed you to talk on my five minutes."

Senator Bailey: "Senator Stender, the trouble is that you have been spending five minutes asking questions without any question mark at the end of it and that is what I am trying to stop. But I think when you talk for five minutes you have not asked a question,

you are giving a speech and I think that would be beyond the rules and I intend to raise that question every time somebody gets up and gives a speech when they are not really asking a question for the record."

#### MOTIONS

On motion of Senator Atwood, the motion by Senator Bailey to adopt a temporary rule to the Senate rules was made a special order of business immediately following the noon recess.

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

#### SENATE RESOLUTION: 1971-EX-64

By Senators Keefe, Talley, Knoblauch and Guess:

WHEREAS, Jack J. Bankson, Vice President and General Manager of KVI Radio in Seattle, did initiate on his radio station a campaign to get signatures on petitions asking for humane treatment of and information about United States personnel held as prisoners of war and those missing in action in Southeast Asia, and

WHEREAS, This petition campaign quickly secured the signatures of more than 25,000 residents of the State of Washington, and

WHEREAS, The success of the original campaign motivated a statewide petition drive under the chairmanship of Lieutenant Governor John A. Cherberg, involving most of the radio and television stations and newspapers in the State of Washington, and

WHEREAS, The State of Washington petition campaign and the individuals involved in it were instrumental in the formation of similar campaigns in most other states in the United States, and

WHEREAS, The petition drive in the State of Washington succeeded in getting more than 300,000 individual signatures and more than 12,000 letters, and

WHEREAS, Jack J. Bankson, representing the people of the State of Washington, and accompanied by Mrs. Diane Fernan, wife of Chief Warrant Officer William Fernan who is missing in action, did personally take these petitions and letters to Paris, France, and did deliver them to the representatives of the government of North Vietnam and the Viet Cong,

NOW, THEREFORE BE IT RESOLVED, By the Senate of the State of Washington, that we do hereby commend Jack J. Bankson for his initiative and his efforts on behalf of the United States personnel held as prisoners of war and those missing in action in Southeast Asia, and do further commend him for this demonstration of creative public service which has permitted the people of the State of Washington to show their concern for our prisoners of war and those missing in action,

BE IT FURTHER RESOLVED, That the Secretary of the Senate prepare copies of this Senate Resolution to be sent to Mr. Jack J. Bankson.

#### MOTIONS

On motion of Senator Holman, Engrossed House Bill No. 11 was ordered to hold its place on the second reading calendar for Tuesday, May 4, 1971.

On motion of Senator Greive, Senate Bill No. 371 was ordered to hold its place on the second reading calendar for Tuesday, May 4, 1971.

On motion of Senator Guess, Senate Bill No. 792 was ordered to hold its place on the second reading calendar for Tuesday, May 4, 1971.

#### SECOND READING

HOUSE BILL NO. 53, by Representatives Cunningham, Berentson and Conner (by departmental request):

Providing changes in the regulation of classified drivers licenses.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, House Bill No. 53 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. 53, and the bill passed the Senate by the following vote: Yeas, 36; nays, 1; absent or not voting, 5; excused, 7.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson—36.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Donohue, McCutcheon, McDougall, Newschwander, Ridder—5.

Excused: Senators Andersen, Dore, Henry, Mardesich, Matson, Whetzel, Woodall—7.

HOUSE BILL NO. 53, having received the 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 HOUSE BILL NO. 144, by Representatives Bledsoe, Bagnariol, Ceccarelli, Eikenberry, Barden, Cunningham and Litchman:

Providing business and occupation tax deduction for certain computer services.

The bill was read the second time by sections.

Senator Elicker moved adoption of the following amendment:

On page 3, section 1 (14), line 18, of the printed bill after "(14)" strike "Amounts" and insert "Until July 1, 1973 amounts"

Debate ensued.

Senator Talley moved that the amendment by Senator Elicker be laid upon the table.

Senator Holman demanded a roll call and the demand was sustained by Senators Metcalf, Connor, Scott, Elicker, Gissberg, Bailey, Herr, Peterson (Ted) and Wilson.

## ROLL CALL

The Secretary called the roll and the motion to lay upon the table the amendment by Senator Elicker failed by the following vote: Yeas, 17; nays, 21; absent or not voting, 5; excused, 6.

Voting yea: Senators Bailey, Connor, Cooney, Day, Durkan, Foley, Francis, Guess, Herr, Keefe, Lewis, McCutcheon, Metcalf, Peterson (Ted), Stender, Talley, Twigg—17.

Voting nay: Senators Atwood, Canfield, Donohue, Elicker, Gardner, Gissberg, Greive, Holman, Jolly, Knoblauch, McDougall, Murray, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Washington, Whetzel, Wilson—21.

Absent or not voting: Senators Clarke, Fleming, Huntley, Newschwander, Ridder—5.

Excused: Senators Andersen, Dore, Henry, Mardesich, Matson, Woodall—6.

## POINT OF INQUIRY

Senator Guess: "Would Senator Elicker yield to a question? Senator, you say that it would provide that the bill would expire on July 1, 1973 with no cutoff?"

Senator Elicker: "No, I say this provides, the language in the statute as proposed would expire in July 1973. As the bill is currently written there is no cutoff date. In other words, the bill as written is a permanent exemption into the statute unless the legislature takes affirmative action to withdraw it at some future time."

Senator Holman demanded a roll call on the adoption of the amendment by Senator Elicker and the demand was sustained by Senators Guess, Whetzel, Sandison, Bailey, Elicker, McDougall, Scott, Stortini and Connor.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Elicker was not adopted by the following vote: Yeas, 18; nays, 22; absent or not voting, 3; excused, 6.

Voting yea: Senators Atwood, Bailey, Canfield, Elicker, Gardner, Gissberg, Holman, Jolly, Knoblauch, McCutcheon, McDougall, Odegaard, Peterson (Lowell), Ridder, Scott, Walgren, Whetzel, Wilson—18.

Voting nay: Senators Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Greive, Guess, Herr, Keefe, Lewis, Metcalf, Murray, Peterson (Ted), Sandison, Stender, Stortini, Talley, Twigg, Washington—22.

Absent or not voting: Senators Clarke, Huntley, Newschwander—3.

Excused: Senators Andersen, Dore, Henry, Mardesich, Matson, Woodall—6.

Senator Holman moved adoption of the following amendment:

On page 3, section 1, line 18 of the printed bill after "Amounts" and before "derived" insert "(not exceeding \$20 million in the year in which the deduction is claimed)"

Debate ensued.

Senator Holman demanded a roll call and the demand was sustained by Senators Ridder, Scott, Gissberg, Knoblauch, Whetzel, Canfield, Elicker, McDougall and Connor.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was not adopted by the following vote: Yeas, 17; nays, 21; absent or not voting, 5; excused, 6.

Voting yea: Senators Canfield, Day, Elicker, Gardner, Gissberg, Holman, Jolly, Knoblauch, McCutcheon, McDougall, Odegaard, Peterson (Lowell), Ridder, Scott, Walgren, Whetzel, Wilson—17.

Voting nay: Senators Bailey, Connor, Cooney, Donohue, Durkan, Fleming, Francis, Greive, Guess, Keefe, Lewis, Metcalf, Murray, Newschwander, Peterson (Ted), Sandison, Stender, Stortini, Talley, Twigg, Washington—21.

Absent or not voting: Senators Atwood, Clarke, Foley, Herr, Huntley—5.

Excused: Senators Andersen, Dore, Henry, Mardesich, Matson, Woodall—6.

Senator Holman moved adoption of the following amendment:

On page 3, section 1, line 22 of both the printed and engrossed bills, after "sold" and before "by" insert "without price discrimination within the meaning of Title 15 U.S.C., sections 13, 13a, and 14."

Senators Gissberg, Cooney and Holman 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 Senators Andersen, Dore, Henry, Mardesich, Matson and Woodall who had previously been excused.

On motion of Senator Greive, the rules were suspended and Senators Clarke and Huntley were excused.

Senator Greive demanded a roll call on the amendment by Senator Holman and the demand was sustained by Senators Bailey, Elicker, Holman, Scott, Francis, Sandison, Canfield, McDougall and Keefe.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was adopted by the following vote: Yeas, 22; nays, 19; excused, 8.

Voting yea: Senators Atwood, Bailey, Canfield, Cooney, Elicker, Gardner, Gissberg, Greive, Holman, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Twigg, Walgren, Wilson—22.

Voting nay: Senators Connor, Day, Donohue, Durkan, Fleming, Foley, Francis, Guess, Herr, Keefe, Metcalf, Murray, Newschwander, Peterson (Ted), Stender, Stortini, Talley, Washington, Whetzel—19.

Excused: Senators Andersen, Clarke, Dore, Henry, Huntley, Mardesich, Matson, Woodall—8.

Senator Holman moved adoption of the following amendment:

On page 3, section 1, line 22, of both the printed and engrossed bills, after "parent corporation" and before the period insert " : PROVIDED, That the foregoing shall not be deemed to affect the liabilities, if any, of such controlled corporation or such parent corporation arising out of the rendering of such services or the sale of such material, supplies and processes pursuant to RCW 82.08"

#### POINT OF INQUIRY

Senator Guess: "Would Senator Holman yield? Senator, when the computer service makes a run and sends back to the parent company a print out, would you think that by returning to, or giving to the company the print out that the material in the print out should bear sales tax?"

Senator Holman: "It is not a question of what I think. It is a question of whether the statutes of the state of Washington consider that as a retail sale by A to B which should be charged for. What I want to make sure here is that by this bill, if we pass it, we are not tampering with whatever the RCW's are in the sales tax.

"If I buy computer services from IBM, I assume I am going to pay for that and I assume that there may be a tax on that. We tax most all services except legal and doctors and certainly there would be a tax if they furnished me hardware, so I think your statement to me a minute ago indicates that we have to have this on if there is any question about it."

Senator Guess: "Senator Holman, I think that the only instances—there is no instance where this amendment or where the bill will affect other statutes. It only has to do with the B&O and I stand corrected on that. If the company bought hardware from the computer service, then of course it would be a normal transaction."

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

On motion of Senator Holman, the following amendment was adopted:

On page 3, section 1, line 26 of both the printed and engrossed bills, strike "eighty" and insert "ninety-five"

Senator Holman moved adoption of the following amendment:

On page 3, section 1, line 28 of the printed bill, strike the period at the end of the sentence and insert: ", and the deduction granted herein shall be applicable solely to gross income of the parent corporation otherwise includible in the measure of the tax imposed upon the parent corporation by RCW 82.04.240 and RCW 82.04.250."

Debate ensued.

#### POINT OF INQUIRY

Senator Gissberg: "Will Senator Holman yield? Senator, one of the things that I have been concerned about with this bill is a memorandum that I received from Mr. Kinnear of the revenue department of this state wherein he indicated that if this theory were adopted that the Boeing Company is asking, that there would be a substantially greater number of corporations that are engaged in the computer activity of setting up a subsidiary corporation and thereby cause an additional loss of revenue to the state of Washington. It would appear, and I ask this as a question, whether or not if your amendment is adopted then, it would discourage or at least the incentive would be lost for other corporations, a banking corporation, for instance which has its own computer, from setting up a subsidiary corporation. Would this then not in effect save the state of Washington large sums of money by discouraging other corporations from setting up their companies in the fashion to take advantage of this bill if your amendment were not adopted?"

Senator Holman: "I think I agree with your point, Senator Gissberg, and I think that may well happen. It illustrates the never-never land we are getting into with this kind of legislation, and that is why it seemed to me that we are in effect making a rate for them here which is quite analogous to what happened in a similar bill. You know, I do not stand here on the floor and tell the people of the state or Senator Guess or anybody else that Boeing did not have a problem here, but I just say this is not the way to go about it as Senator Gissberg is pointing this out in his question.

"There is another company that came to the state the last year called Jersey Nuclear. They wanted to put a plant over in the tri-cities area to manufacture nuclear fuel assemblies. They went to the department of revenue and they worked out a rate that would be right for this type of industry, a brand new industry with high capital costs and so forth. They worked out this rate which turned out to be .25. Probably they would like to get by with an exemption but they did not ask for that. They asked for a fair rate, and I think if the Boeing Company had done this they might get someplace instead of just saying, 'Leave us out completely.'

"So I think, Senator Gissberg, you have a point there and if we adopt this amendment it may make this thing a little more complicated so that these things will be done with due care for the proper rate of taxation for the privilege of doing business in this state."

Further debate ensued.

Senator Guess demanded a roll call and the demand was sustained by Senators Metcalf, Murray, Elicker, Peterson (Ted), Cooney, Canfield, Andersen, Twigg and Connor.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was not adopted by the following vote: Yeas, 13; nays, 30, excused, 6.

Voting yea: Senators Elicker, Gissberg, Holman, Knoblauch, McCutcheon, McDougall, Mardesich, Peterson (Lowell), Ridder, Scott, Walgren, Whetzel, Wilson—13.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Jolly, Keefe, Lewis, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Sandison, Stender, Stortini, Talley, Twigg, Washington—30.

Excused: Senators Clarke, Dore, Henry, Huntley, Matson, Woodall—6.

Senator Holman moved adoption of the following amendment:

On page 3, beginning on line 29 of the engrossed bill, being the House Committee amendment, strike all of section 2.

Senator Holman demanded a roll call and the demand was sustained by Senators Scott, Elicker, McDougall, Metcalf, Ridder, Gissberg, Whetzel, Canfield and Lewis.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was adopted by the following vote: Yeas, 29; nays, 14; excused, 6.

Voting yea: Senators Atwood, Bailey, Day, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Holman, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stender, Stortini, Walgren, Washington, Whetzel, Wilson—29.

Voting nay: Senators Andersen, Canfield, Connor, Cooney, Francis, Guess, Herr, Keefe, Metcalf, Murray, Newschwander, Peterson (Ted), Talley, Twigg—14.

Excused: Senators Clarke, Dore, Henry, Huntley, Matson, Woodall—6.

On motion of Senator Holman, the following amendment to the title was adopted:

On page 1, line 4 of the engrossed bill, being the House Committee amendment, strike “; and declaring an emergency”

On motion of Senator Durkan, the rules were suspended, Engrossed House Bill No. 144, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Scott: “Mr. President, would Senator Holman yield? Senator, as a lawyer who deals consistently in these matters, do you believe that there are any implications as far as the constitutional questions in this piece of legislation?”

Senator Holman: “Senator Scott, there is a very serious one in my opinion. If you will get out your legislative manual, read article II, section 28 of the State Constitution, you will find the usual constitutional provision against passing special legislation. Special legislation means legislation which can only apply to one taxpayer and it reads, ‘The legislature is prohibited from enacting any private or special laws in the following cases: subsection (5), For the assessment or collection of taxes’ I certainly think this has a serious legal implication from our constitutional standpoint and whether it did or not, I think there is a moral question here that each of us have to ask ourselves, if we are passing legislation that can only apply to one person, no matter how good we may think they are.”

Further debate ensued.

Senators Keefe, Greive and Holman demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 144, as amended by the Senate.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 144, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 15; excused, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Greive, Guess, Herr, Keefe, Lewis, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Washington—28.

Voting nay: Senators Elicker, Gardner, Gissberg, Holman, Jolly, Knoblauch, McCutcheon, McDougall, Mardesich, Odegaard, Peterson (Lowell), Scott, Walgren, Whetzel, Wilson—15.

Excused: Senators Clarke, Dore, Henry, Huntley, Matson, Woodall—6.

ENGROSSED HOUSE BILL NO. 144, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Guess, Engrossed House Bill No. 144, as amended by the Senate, was ordered immediately transmitted to the House.

## SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 52,  
SUBSTITUTE HOUSE BILL NO. 768.

## PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, there was some reference made that the Senate Ways and Means Committee did not hold hearings on this bill. And for those that did not remember, I would only like to point out that Senator Donohue had an extended hearing in Revenue on it. I had three hearings on it. I permitted first the proponents to testify, I then permitted the opponents to testify and at that time I permitted Senator Holman to cross-examine, and then I had another hearing at which time the amendments were presented. I did not hear any member ask for further hearings on the bill and I just want to make it clear that I thought that the bill had received extensive hearings on it and a sufficient number of times for the members to make their determination."

Senator Holman: "I, Senator Durkan, never said and certainly never intended to say that there were no hearings in your committee. In fact, I think I referred several times to those hearings. As far as the hearings in the Revenue and Tax Committee on this bill, there never were any. And you recall I raised the point as to how did it get from Revenue and Tax into your committee. There never was any sign out of this bill from Revenue and Tax into Ways and Means, and if you will look through the records you will not find any. Now it is true there was, early in the session, several weeks ago, a hearing on Senate Bill No. 754, which is an identical bill. Unfortunately I was not able to attend that hearing because I had three committee meetings meeting that very day, one with Senator Wilson's, one with Senator Sandison's. I had to choose, and I do not think there is a Senate chairman here that will not say that I am a pretty good attendee at these meetings. But I was told that at that hearing of Revenue and Tax on Senate Bill No. 754 there would be no executive action taken and it was simply to hear the Boeing Company explain their position. And I was waiting for Senator Donohue to call a hearing on House Bill No. 144. There never was one."

## EXPLANATION OF FAILURE TO VOTE

The undersigned, prior to being formally excused, abstained from preliminary votes with respect to House Bill No. 144 for the reason that we own stock in The Boeing Company.

While the amount of stock is relatively small and the bill does not specifically relate only to The Boeing Company or its subsidiaries, it was felt that there was sufficient question

under Article 2, Section 30 of the State Constitution so that we should abstain from voting thereon.

/s/ Senator George W. Clarke.  
/s/ Senator Elmer C. Huntley.

#### MOTION

On motion of Senator Gissberg, Engrossed House Bill No. 84 was ordered placed at the beginning of the second reading calendar immediately following the noon recess.

#### SECOND READING

HOUSE BILL NO. 172, by Representatives Flanagan, Kiskaddon and Haussler (by departmental request):

Restoring tax statutes based on passage of HJR 42 to previous status.

The bill was read the second time by sections.

On motion of Senator Atwood, the following amendment was adopted:

On page 17, section 15, line 12, strike all of section 15, and insert as sections 15 and 16 the following:

"Sec. 15. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies; now existing or hereafter created, shall not exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state and the levy by any county shall not exceed four mills: PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill [; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills]; the levy by or for any school district shall not exceed seven mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Sec. 16. Section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy for collection in 1968 and 1969 and 1970 and 1971 and 1972 and 1973

respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy [of two mills] for public assistance purposes as provided in RCW 74.04.150 and 84.52.050, as now or hereafter amended."

On motion of Senator Atwood, the following amendment to the title was adopted:

On page 2, line 7, after "RCW 84.52.050;" insert "amending section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065;"

On motion of Senator Atwood, the rules were suspended, 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.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45.

Excused: Senators Dore, Henry, Matson, Woodall—4.

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.

#### MOTIONS

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

At 12:25 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

#### MOTION

At 2:05 p.m., on motion of Senator Bailey, the Senate recessed until 2:40 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 2:40 p.m.

#### MOTION

On motion of Senator Fleming, Senator Francis was excused.

#### SPECIAL ORDER OF BUSINESS

#### SECOND READING

ENGROSSED HOUSE BILL NO. 84, by Representatives Harris, Bottiger, Wolf, Barden and Litchman (by Legislative Council request):

Regulating charitable trusts and similar relationships and requiring reports thereof.

The time having arrived, the Senate commenced consideration of Engrossed House Bill No. 84.

The bill was read the second time by sections.

On motion of Senator Gissberg, the following amendment by Senator Whetzel was adopted:

On line 25 of the engrossed bill, being line 3 of the House amendment, after "limitations" strike the remainder of the amendment being down to and including "dissolution" on line 27 of the engrossed bill, and insert "permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes"

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 84, 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. 84, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 9; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Connor, Cooney, Day, Greive, Herr, Keefe, McCutcheon, Newschwander, Odegaard—9.

Excused: Senator Francis—1.

ENGROSSED HOUSE BILL NO. 84, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the following rule change as proposed by Senator Bailey:

RESOLVED, That the Senate adopt the following temporary rule:

RULE 73A. During the remainder of this extraordinary session, each member shall be limited to five minutes debate on each subject, with no yields; provided that this shall not be effective for redistricting, revenue and taxation and budget;

PROVIDED FURTHER, That gallery introductions, laudatory floor or senate resolutions, and other proceedings tending to divert the senate from consideration of substantive legislation, shall be out of order, during the remainder of this session.

On motion of Senator Atwood, the following amendment to the rule was adopted: Following the last word of the rule change, insert:

"except at the discretion of the President"

On motion of Senator Gissberg, the following amendment to the rule was adopted:

On line 2 of the rule, strike "five" and insert "three"

The rule change, as amended, was adopted.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 213, by Representatives Flanagan and Polk (by departmental request):

Pertaining to payment of inheritance taxes.

The bill was read the second time by sections.

On motion of Senator Woodall, the following amendment was adopted:

On page 1, section 1, line 13 of the engrossed bill, after "donor." strike "if" and insert [If] *On and after the effective date of this act, if* and on line 24, after "death." strike "The" and insert "[The] *On and after the effective date of this act, the*"

On motion of Senator Gissberg, the following amendment was adopted:

On page 2, section 2, line 10, after "decendent," insert "*if such death occurred*"

*subsequent to December 31, 1970 and within fifteen months after the death of such decedent, if such death occurred on or prior to December 31, 1970."*

Senator Holman moved adoption of the following amendment:

On page 2, section 3, line 14, insert as section 3 the following:

"NEW SECTION. Section 3. There is added to chapter 15, Laws of 1961 and to chapter 83.20 RCW a new section to read as follows:

Annuities or any other payments passing under the federal Armed Services Retirement Act, 67 Stat. 501-504, chapter 73, title 10, United States Code, as now or hereafter amended, which shall pass to the beneficiaries of the annuitant, shall be exempt from inheritance tax."

Re-number section 3 of the printed bill as section 4.

Debate ensued.

#### POINT OF ORDER

Senator Woodall: "My point of order is that this amendment increases the scope and object of this bill. This bill starts out on the subject of when do you pay the inheritance tax. There is nothing in this bill about exemptions and what is exempt from the inheritance tax, so it is adding a new theme to the bill and starting to put in exemptions. If you open it up to add exemptions to it, why then it would be subject to various amendments from the floor, all on the subject of exemptions which has not been considered by the body. We have no fiscal note on the impact and no chance to analyze just exactly what is happening. So it seems to me that this definitely increases the scope and purpose. The sole purpose of the bill was to accelerate the date that you pay. It is not an act establishing exemption."

#### RULING BY THE PRESIDENT

The President: "In ruling on the point of order by Senator Woodall, the President finds that the amendment proposed by Senator Holman pertains to an exemption to the inheritance laws, while Engrossed House Bill No. 213 merely changes the due date for the payment of inheritance taxes. The amendment therefore does increase the scope and object of the bill and the point of order is well taken."

The amendment by Senator Holman was ruled out of order.

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 213, 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. 213, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 9; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—39.

Absent or not voting: Senators Cooney, Day, Gissberg, Greive, Guess, Herr, Keefe, McCutcheon, Talley—9.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 213, 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.

ENGROSSED HOUSE BILL NO. 244, by Representatives Julin, Bottiger, Wolf and Curtis:

Making larceny by check constitute grand larceny.

The bill was read the second time by sections.

On motion of Senator Dore, the rules were suspended, Engrossed House Bill No. 244 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 Atwood: "Will Senator Gissberg yield? Senator, if you have a twenty-five dollar check cashed in Whatcom county, a twenty-five dollar check cashed in King county and a twenty-five dollar check cashed in Snohomish county, what would be the charge and which county would have the jurisdiction?"

Senator Gissberg: "The charge would be a felony, but the question of jurisdiction is one that Senator Woodall satisfied himself about, apparently. That is the reason we held this bill over from last Friday. As to the question of jurisdiction, but not being a prosecutor, I could not tell you."

## MOTION

On motion of Senator Atwood, Engrossed House Bill No. 244 was ordered held at the end of the calendar for today.

ENGROSSED HOUSE BILL NO. 254, by Representatives Bluechel, Perry and Kraabel (by Secretary of State request):

Raising secretary of state fees for searches and copies of corporate filings.

The bill was read the second time by sections.

On motion of Senator Walgren, the following amendment was adopted:

On page 1, section 1, beginning with "Section 1." on line 10 strike all material down to and including "necessary." on line 25 of page 2 and insert the following:

"Section 1. Section 51, chapter 53, Laws of 1965 as last amended by section 6, chapter 38, Laws of 1971 ex. sess. and RCW 23A.08.480 are each amended to read as follows:

Every corporation hereafter organized under this title, shall within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(1) The name of the corporation and the state or county under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The secretary of state shall file such annual report in his office for the fee of [one] two dollars. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary."

On motion of Senator Walgren, the following amendment to the title was adopted:

In line 2 of the title after "section" and before "ex. sess." in line 3, strike "2, chapter 83, Laws of 1969" and insert "6, chapter 38, Laws of 1971"

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 254, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 254, as

amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 8; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—39.

Voting nay: Senator Woodall—1.

Absent or not voting: Senators Cooney, Day, Fleming, Greive, Guess, Herr, Keefe, McCutcheon—8.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 254, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 540, by Representatives Amen, Haussler, Newhouse, Zimmerman, Ceccarelli, Thompson, Pardini, Bledsoe, Benitz, Cunningham, King, Paris, Farr and Hansey (by executive request):

Regulating pesticides and establishing a control board.

The bill was read the second time by sections.

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

On page 16, section 17, line 23 of the engrossed bill, being page 15, section 17, line 8 of the committee amendment, after "thereunder" and before the period insert " PROVIDED, That no authority is granted hereunder to affect the sale or use of products on which legally approved pesticides have been legally used"

On page 18, section 20, line 26 of the engrossed bill, being page 17, section 20, line 11 of the committee amendment, after "date." strike the balance of the section.

On page 22, section 33, beginning on line 19 of the engrossed bill, being page 21, section 33, line 4 of the committee amendment, strike all of section 33.

Renumber section 34 as section 33 and renumber the following sections consecutively.

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No. 540, 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. 540, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Henry, Herr, McCutcheon, Talley—5.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 540, 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.

ENGROSSED HOUSE BILL NO. 727, by Representatives Amen, Haussler and Bauer: Providing for livestock identification.

#### REPORT OF STANDING COMMITTEE

April 15, 1971.

ENGROSSED HOUSE BILL NO. 727, providing for livestock identification (reported by Committee on Agriculture and Horticulture):

**Recommendation: Do pass with the following amendment:**

On page 3, section 4, line 11 of the printed and engrossed bills, after "market" and before the period insert "*unless such cattle are exempt from brand inspection by law or regulations adopted by the director because of prior brand inspection or if such cattle are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof*"

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, 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. 727, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed House Bill No. 727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Henry, Herr, McCutcheon, Scott—4.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MOTION**

At 3:35 p.m., on motion of Senator Greive, the Senate recessed until 4:00 p.m.

**THIRD AFTERNOON SESSION**

The President called the Senate to order at 4:00 p.m.

**THIRD READING**

ENGROSSED HOUSE BILL NO. 222, by Representatives Bluechel, Spanton and Ross (by Secretary of State request):

Deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail.

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 House Bill No. 222, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—44.



Absent or not voting: Senators Day, Francis, Herr, Woodall—4.  
Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the motion by Senator Metcalf to relieve the Committee on Higher Education and Libraries of further consideration of Senate Bill No. 577.

Debate ensued.

Senator Metcalf demanded a roll call and the demand was sustained by Senators Stender, Bailey, Murray, McDougall, Andersen, Ridder, Canfield, Peterson (Ted) and Scott.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf to relieve the Committee on Higher Education and Libraries of further consideration of Senate Bill No. 577 failed by the following vote: Yeas, 7; nays, 36; absent or not voting, 5; excused, 1.

Voting yea: Senators Guess, Matson, Metcalf, Peterson (Ted), Stender, Twigg, Woodall—7.

Voting nay: Senator Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—36.

Absent or not voting: Senators Andersen, Francis, Gissberg, Herr, Lewis—5.  
Excused: Senator Clarke—1.

#### EXPLANATION OF VOTE

I voted against removing Senate Bill No. 577 from Higher Education Committee and moving it to the floor for consideration because of our committee procedure. Though a laudable bill on its surface it did merely encompass points already in law and had been duly considered in committee and found wanting for support.

If we had followed this procedure as proposed here by Senator Metcalf, there would be no control of legislation and the power of the committee system seriously impaired. The vote today was a procedural vote by a member of the majority and not a vote on Senate Bill No. 577.

/s/ Senator Robert C. Ridder.

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

#### SECOND READING

SENATE BILL NO. 17, by Senators Mardesich, Cooney, Twigg, Stender, Holman and Peterson (Ted) (by Insurance Commissioner request):

Creating the Washington Life Insurance Guaranty Association.

#### REPORT OF STANDING COMMITTEE

May 1, 1971.

SENATE BILL NO. 17, creating the Washington Life Insurance Guaranty Association (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. PURPOSE. The purpose of this act is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming

insolvent to residents of this state and, in the case of domestic insurers, to residents of other jurisdictions as well; and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this act described is deemed essential for the protection of the general welfare.

**NEW SECTION. Sec. 2. SCOPE, PERSONAL INSURANCES.** This act shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers, other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee.

(2) To all such policies and contracts of a foreign or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of and domiciled within this state. With respect to group policies or group contracts of such foreign or alien insurers, this act shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer.

(3) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after the effective date of this act.

(4) The obligations of the association created under this act shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation; except, that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars.

(5) This act shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance.

**NEW SECTION. Sec. 3. DEFINITIONS.** Within the meaning of this act:

(1) "Association" means "the Washington life and disability insurance guaranty association".

(2) "Board" means the board of directors of the Washington life and disability insurance guaranty association.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) "Liquidating insurer" means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.

(6) "Fund" means a guaranty fund provided for in section 8 of this act.

(7) "Account" means any one of the three guaranty fund accounts created under section 8(1) of this act.

(8) "Assessment" means a charge made upon an insurer by the board under this act for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) "Contributor" means an insurer which has paid an assessment.

(10) "Certificate" means a certificate of contribution provided for in section 9 of this act.

**NEW SECTION. Sec. 4. GUARANTY ASSOCIATION CREATED.** (1) There is hereby created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association, which shall be composed of the commissioner, ex officio, and of each insurer authorized to transact life insurance, or disability insurance, or annuity business in this state. All such insurers shall be and remain members of the association during the continuance of, and as a condition to, their authority to transact such business in this state.

(2) The association shall be managed by a board of directors composed of the commissioner, ex officio, and of not less than five nor more than nine member insurers, each of whom shall initially be appointed by the commissioner to serve for terms of one, two, or three years. After the initial board is appointed, the board shall provide in its bylaws for selection of board members by member insurers subject to the commissioner's approval; members so selected shall serve for three year terms, acceding to office upon expiration of the terms of the respective initial board members; and board members shall thereafter serve for three year terms and shall continue in office until their respective successors be selected, approved, and have qualified. At least a majority of the members of the board shall be domestic insurers. In case of a vacancy for any reason on the initial board appointed, the commissioner shall appoint a member insurer to fill the unexpired term; vacancies on the board thereafter shall be filled in the same manner as in the original selection and approval. Board members may be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

(3) A director, officer, employee, agent or other representative of the association or of a member insurer, or the commissioner or his representative shall in no event be

individually liable to any person, including the association, for any act or omission to act, or for any liability incurred or assumed, on behalf of the association or by virtue thereof, any such liability so incurred or assumed to be collectible only out of a fund; nor shall any insurer member of the association be subject to any liability except for assessment as in this act provided.

(4) The association shall be under the immediate supervision of the commissioner and shall be subject to such provisions of the insurance code of the state of Washington as may be applicable and not inconsistent with the provisions of this act.

(5) The board may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

**NEW SECTION.** Sec. 5. POWERS OF THE ASSOCIATION. The association shall have the power:

(1) To use a seal, to contract, to sue and be sued and, in addition, possess and exercise all powers necessary or convenient for the purposes of this act.

(2) With the approval of the commissioner and as provided in section 6 of this act, to assume, reinsure or guarantee or cause to be assumed, reinsured, or guaranteed, partially or wholly, any or all of the policies or contracts of any liquidating domestic life or disability insurer or any policy or contract to which this act applies, and to make available from a fund, the creation of which is hereinafter in section 8 of this act provided, such sum or sums as may be necessary for such purpose.

(3) To carry out the provisions of this section, the association shall have, and may exercise, all necessary rights, powers, privileges, and franchises of a domestic insurer, except that it shall not be authorized to issue contracts or policies unless such contracts or policies are pursuant to contracts and policies representing obligations in whole or in part of the liquidating insurer or of the association.

(4) To borrow money for the purposes of the fund, either with or without security, and pledge such assets in a fund as security for such loans, and in connection therewith, rehypothecate any securities or collateral pledged to it by an insurer. Any notes or other evidence of indebtedness of the association shall be legal investments for domestic insurers and may be carried as admitted assets.

(5) To collect or enforce by legal proceedings, if necessary, the payment of all assessments for which any insurer may be liable under this act; and to collect any other debt or obligation due to the association or a fund created in this act.

(6) To make bylaws and regulations for the conduct of the affairs of the association, not inconsistent with this act.

**NEW SECTION.** Sec. 6. REINSURANCE, GUARANTY OF POLICIES, CONTRACTS.

(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).

(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 act 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 act.

(6) For the purpose of carrying out its obligations under this act, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to cover 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 act. 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.

**NEW SECTION. Sec. 7. DUPLICATION OF BENEFITS PROHIBITED.** Whenever a guaranty or payment of proceeds or benefits of a policy or contract otherwise provided for under this act is also provided for by a similar law of another jurisdiction, there shall be only one recovery of values or benefits, and the association or their entity established by such law in the domiciliary jurisdiction or state of entry of the liquidating insurer shall be solely responsible for such guaranty and payment.

**NEW SECTION. Sec. 8. GUARANTY FUNDS.** (1) For purposes of administration and assessment, the association shall establish and maintain three guaranty fund accounts: (a) the life insurance account; (b) the disability insurance account; and (c) the annuity account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due.

(3) There shall be three classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses of the association not related to a particular liquidating insurer.

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association with respect to a particular liquidating domestic insurer.

(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association with respect to a particular liquidating foreign or alien insurer.

(4) (a) The amount of any Class A assessment for each account shall be determined by the board. The amount of any Class B or C assessment shall be divided among the accounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Class A and Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Class B assessments for each account shall be made separately for each state in which the liquidating domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the liquidating insurer on policies or contracts covered by such account bears to such premiums received in all such states by the liquidating insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in each such state by all assessed member insurers.

(d) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this act; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Classification of assessments under subsection (3) of this section, and computation of assessments under this subsection (4) shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(5) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account.

(6) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (5) of this section, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(7) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(8) As used in this section, "premiums" are those for the calendar year preceding the

entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this act applies, less return premiums and considerations and less dividends paid or credited to policy-holders.

(9) Upon dissolution of a fund by the repeal of this act or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such portion of the excess as is not payable into the general fund of the state of Washington under subsection (4) of section 9 of this act, shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

**NEW SECTION. Sec. 9. CERTIFICATES OF CONTRIBUTION; ALLOWANCE AS ASSET.** (1) The association shall issue to each insurer paying an assessment under this act certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 80% for the first calendar year after the year of issuance;
- 60% for the second calendar year after the year of issuance;
- 40% for the third calendar year after the year of issuance;
- 20% for the fourth calendar year after the year of issuance; and
- 0% for the fifth and subsequent calendar years after the year of issuance.

(3) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

**NEW SECTION. Sec. 10. TAXATION.** (1) The association shall be exempt from premium tax. Any domestic insurer whose policies or contracts have been assumed, reinsured, or guaranteed by the association under this act shall remain liable for premium taxes on all premiums received on policies and contracts issued by it, but payment of such taxes shall be suspended. Payment of or on account of such taxes shall be made under such terms and conditions as the commissioner may prescribe. No distribution to stockholders, if any, of the liquidating insurer shall be made unless all premium taxes, the payment of which has been suspended hereunder, have been fully paid.

(2) The association shall be exempt from all taxes and fees now or hereafter imposed by the state of Washington or by any county, municipality, or local authority or subdivision; except that any real property owned by the association shall be subject to taxation to the same extent according to its value as other real property is taxed.

(3) Assessments made upon domestic insurers pursuant to a law of another jurisdiction similar to this act, shall be excluded from the application of RCW 48.14.040 (retaliatory provision).

**NEW SECTION. Sec. 11. PROHIBITED USE OF ACT.** No person shall make use in any manner of the protection afforded under this act in the solicitation of insurance or annuity business.

**NEW SECTION. Sec. 12. RECAPTURE OF EXCESSIVE DIVIDENDS TO AFFILIATES.** (1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed or existing under such order shall have a right to recover, and upon request of the board or without such request shall take such action as he deems advisable to recover, on behalf of the insurer from any affiliate that controlled it the amount of distributions, other than stock dividends paid by the insurer on its capital stock, at any time during the five years preceding the petition for liquidation or rehabilitation of the insurer subject to the limitations of subsections (2) through (4) of this section.

(2) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate in control of the insurer at the time a distribution was paid shall be liable up to the amount of distribution he received. Any person who was an affiliate in control of the insurer at the time a distribution was declared shall be liable up to the amount of distribution he would have received if it had been paid immediately. If two persons are liable with respect to the same distribution they shall be jointly and severally liable.

(4) The maximum amount recoverable by the receiver under this section shall be the amount needed in excess of all other available assets to pay the contractual obligations of the insurer.

(5) If any person liable under subsection (3) of this section is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

*NEW SECTION.* Sec. 13. SHORT TITLE. This chapter shall be known and may be cited as the Washington Life and Disability Insurance Guaranty Association Act.

*NEW SECTION.* Sec. 14. CONSTRUCTION. This chapter shall be liberally construed to effect the purpose stated in section 1 of this act, which shall constitute an aid and guide to interpretation.

*NEW SECTION.* Sec. 15. SECTION HEADINGS NOT PART OF LAW. Section headings in this act do not constitute any part of the law.

*NEW SECTION.* Sec. 16. NEW CHAPTER. Sections 1 through 14 of this act shall be added to Title 48 RCW as a new chapter thereof.

*NEW SECTION.* Sec. 17. SEVERABILITY. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment has been rendered.

*NEW SECTION.* Sec. 18. EMERGENCY. 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 1 of the title, after "Life" and before "Insurance" insert "and Disability".

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Stortini, Twigg, Whetzel.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the committee amendments.

On motion of Senator Mardesich, the following amendments to the committee amendment were adopted:

Amend the Amendment by the Committee on Commerce and Regulatory Agencies as follows:

On page 6, section 6, line 17, after "with" and before "to" strike "repect" and insert "respect".

On page 8, section 8, line 7, after "(3)" strike all the matter down to and including "insurers" on page 9, line 5 and insert

"(a) The amount of any assessment for each account shall be determined by the board, and shall be divided among the *accounts* in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers"

Renumber the remaining subparagraphs and subsections consecutively.

On page 9, section 8, line 12, after the period strike all the matter down to and including "and" on line 13

On page 9, section 8, line 13, after "and" and before "of" strike "computation" and insert "Computation"

On page 9, section 8, line 14, after "subsection" and before "shall" strike "(4)"

On page 9, section 8, line 26, after "subsection" and before "of" strike "(5)" and insert "(4)"

On page 10, section 8, line 23, after "such" strike all the matter down to and including "act," on line 25 and insert "excess"

#### POINT OF INQUIRY

Senator Peterson (Ted): "Would Senator Mardesich yield? What will this total up to over a period of time?"

Senator Mardesich: "This does not have the fund build up which is prior assessments. This bill is designed on the post assessment theory. There is no fund build up. It is only after a loss has been determined that the companies begin to assess themselves to make up the loss. There are no premium taxes or anything that would provide for an advance fund build up."

Senator Peterson (Ted): "Further question, Senator Mardesich. Now in my district, there were so many people that were caught in this who put their whole life savings in there. What will this do for them?"

Senator Mardesich: "I assume you are speaking with respect to policyholders rather than investors."

Senator Peterson (Ted): "Yes, right."

Senator Mardesich: "With respect to the policyholders, it will make them whole. With respect to the investors, only time will tell."

#### POINT OF INQUIRY

Senator Woodall: "Will Senator Mardesich yield? Senator Mardesich, in view of the types of losses that we have, such as this Federal Old Line, investment firms such as

Sparkman and McLean, is your committee undertaking any study for remedial laws to tighten up any of these areas?"

Senator Mardesich: "We have and there is legislation which should be introduced. I do not know whether this same type of theory could apply to a company such as Sparkman and McLean because there is a little bit of a distinction. The Sparkman McLean type company, that is an investment, ostensibly for a higher than normal gain. The rates of interest are good rates of interest. However, it is my belief that we should put these companies under tougher regulation and tougher control. And if we do do that, then the people have a right to rely upon the inspections and the control which the state makes and having that to rely, much as they do with respect to banks and insurance companies, then they should be given the protection of a similar type measure such as this. We have had any number of inquiries as to whether or not this bill would cover those situations, because there are three companies that are now in a state of receivership if not insolvency and although this bill does nothing for them, I am firmly convinced that we should take action to further regulate those companies and provide protection. Any company that holds itself out as one doing business as a bank or at least gives all the appearances of such, should be under strict control."

Senator Peterson (Ted): "Would Senator Mardesich yield further? Senator, three months before Savesco went down, one of my employees invested five thousand dollars with them. At a later time, in talking to financial people they made this statement. They said that Savesco was nothing, wait until you get the aroma and the odor from McLean. When you get the odor of this it will really be something. Well I can see by some of the excerpts I am reading that there are so many companies involved and this is going to be a disastrous thing to many more people that had savings. Can anything be accomplished during this session so that we can start right in and put some protection in there and stop this because I think there is going to be more of this now?"

Senator Mardesich: "Senator Peterson, if something could be done I do not know what all it would be unless we bring these people under a very strict type of control such as now exists for banks. And it may even be that we should do that now. However, I think that the first order of business for the interim committee to come up with is a solution to that problem and if it is going as far as putting this type of company under the same sort of control as we have for banks, then it should be done because as I say, these people advertise. They have offices which look like banks, they hold themselves out as banks by using passbooks or savings books, and to the average investor, he thinks he is putting his money in a savings account in a bank. And that being the case, either we should prohibit all those practices or require that they come under the same type of control. Unfortunately this bill does not cover the problem but something should be done about it and done immediately. Incidentally and with respect to this particular bill and the Federal Old Line case, I have made a number of trips to the offices of Federal Old Line and the extent of the loss is not determinable. It could range, I have been told, between three and one-half and seven and one-half million dollars. Now what will finally come out we do not know. But at least someone is going to take a beating and I think eventually, although the policyholders will now be protected, there are going to be a lot of investors who are being hurt on that Federal Old Line case. Those were other than policyholders. And the same thing would apply to them. It is the same type of thing as happened to Savesco."

The motion by Senator Mardesich carried and the amendments to the committee amendment were adopted.

The motion by Senator Mardesich carried and the committee amendment, as amended, 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 Senate Bill No. 17 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. 17, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-45.

Absent or not voting: Senators Andersen, Durkan, Herr-3.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 17, having received the constitutional majority, 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. 18, by Senators Mardesich, Cooney and Twigg (by Insurance Commissioner request):

Creating the Washington Insurance Guaranty Association.

## REPORT OF STANDING COMMITTEE

May 1, 1971.

SENATE BILL NO. 18, creating the Washington Insurance Guaranty Association (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 3, line 27, after "claim," and before "one" strike "excluding" and insert "including"

On page 2, section 3, line 1, after "out of" and before "is within", strike "and" and insert "or"

On page 3, section 6, line 32, after "excess of" and before "and is" strike "one hundred dollars" and insert "applicable deductible provisions of the policy"

On page 4, section 6, line 1, after "amount of" and before "any" insert "unearned premiums"

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Foley, Gardner, Huntley, Keefe, Knoblauch, McDougall, Stortini, Whetzel.

The bill was read the second time by sections.

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

Senator Atwood moved adoption of the following amendment:

On page 2, section 3, line 4, strike "effective date of this chapter" and insert "first day of April, 1971"

On line 14 after "to the" strike "effective date of this chapter" and insert "first day of April, 1971"

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Would Senator Atwood yield? Senator, what will this cost?"

Senator Atwood: "They estimate about a hundred thousand dollars."

Senator Guess: "And where is the money going to come from?"

Senator Atwood: "According to this bill it comes from the guaranty fund."

Senator Guess: "And who is going to put the money in the guaranty fund?"

Senator Atwood: "The insurance companies. Otherwise the home owner has zero. That is the whole purpose of the bill."

Senator Guess: "You mean insurance companies who were competing with this outfit that went . . ."

Senator Atwood: "That is the whole purpose of the bill, Senator."

Senator Guess: "Are now going to have to pick up the debts of their competitor?"

Senator Atwood: "Of the insolvent insurance company. That is the whole purpose of this particular bill and the one that we voted on prior to it."

Further debate ensued.

## POINT OF INQUIRY

Senator Guess: "One other point, Senator Mardesich. Are these only citizens of the state of Washington that we are going to be bailing out now or are we going to pick them up from all over the United States?"

Senator Mardesich: "These bills run to coverage for citizens of the state of Washington who are now residents at the time of a declaration of insolvency or if the contract was drawn in this state and the person was a resident of this state when the contract was drawn. In other words, if that company was doing business in this state and wrote a policy for a citizen of this state and that citizen subsequently moved to another state, he would be covered by virtue of the fact that the contract was drawn in this state."



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

On motion of Senator Atwood, the following amendment was adopted:

On page 13, line 22, add a new section as follows:

"NEW SECTION. Sec. 23. 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 provisions to other persons or circumstances is not affected."

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 18 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. 18, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 2; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—42.

Voting nay: Senators Guess, Huntley, Mardesich, Wilson—4.

Absent or not voting: Senators Andersen, Herr—2.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 18, having received the 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 3, 1971

Mr. President: The House refuses to recede from its amendments to Substitute Senate Bill No. 897 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Substitute Senate Bill No. 897 and the House amendments thereto: Representatives Flanagan, Pardini and Perry.

MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Bailey, the request of the House for a conference on Substitute Senate Bill No. 897 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 897 and the amendments thereto: Senators Donohue, Andersen and Sandison.

#### MOTIONS

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

At 4:50 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Tuesday, May 4, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FOURTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Tuesday, May 4, 1971.

The Senate was called to order at 10:00 a.m. by President Cherberg.  
At 10:03 a.m., on motion of Senator Bailey, the Senate recessed until 11:55 a.m.

## SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senators Clarke and Greive. On motion of Senator McDougall, Senator Clarke was excused.

The Color Guard, consisting of Pages Denise Jenison, Color Bearer, and Steve Burdick, presented the Colors. Pastor Glen D. Cole of the First Assembly of God Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we approach a new day with confidence in Your Divine concern in everything we do. As the message on a label we read recently said, 'Handle with prayer,' so we would handle the affairs and responsibilities before us. Now, Father, we realize that all of the decisions before this body are not easy ones. Divine direction is needed and requested. As Robert Schuller has said, so we affirm today in our prayer: 'When faced with a mountain, I will not quit! I will keep on striving until I climb over, find a pass through, tunnel underneath, or simply stay and turn the mountain into a gold mine, with God's help!' Thank You for Your love, Your power, and Your mercy. Perform in and through us Your good pleasure and guide these senators today. In Jesus' Name. Amen."

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

## LETTER OF INFORMATION

May 3, 1971.

THE HONORABLE JOHN CHERBERG,  
PRESIDENT OF THE SENATE,  
LEGISLATIVE BUILDING,  
OLYMPIA, WASHINGTON.

MR. PRESIDENT:

The following bill has been passed out of the Senate Committee on Revenue and Taxation into the full Committee on Ways and Means:

ENGROSSED HOUSE BILL NO. 1123: Exempting nonprofit blood banks from property taxes.

Sincerely,  
HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

## MESSAGE FROM THE GOVERNOR

May 3, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 3 Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 130: Authorizing parking and business improvement areas and special assessments therefor.

Sincerely,  
 RICHARD W. HEMSTAD  
 Legal Assistant.

MESSAGES FROM THE HOUSE

May 3, 1971.

Mr. President: The House has passed:  
 SENATE BILL NO. 71,  
 ENGROSSED SENATE BILL NO. 91,  
 ENGROSSED SENATE BILL NO. 153,  
 ENGROSSED SENATE BILL NO. 257,  
 ENGROSSED SENATE BILL NO. 277,  
 ENGROSSED SENATE BILL NO. 567,  
 SENATE BILL NO. 579,  
 REENGROSSED SENATE BILL NO. 619,  
 ENGROSSED SENATE BILL NO. 626,  
 ENGROSSED SENATE BILL NO. 635,  
 SENATE BILL NO. 648,  
 SENATE BILL NO. 710,  
 SENATE BILL NO. 862,  
 SENATE JOINT MEMORIAL NO. 15,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 3, 1971.

Mr. President: The House has receded from its amendments to ENGROSSED SENATE BILL NO. 262 and has passed the bill without the House amendments, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 71,  
 SENATE BILL NO. 91,  
 SENATE BILL NO. 153,  
 SENATE BILL NO. 257,  
 SENATE BILL NO. 262,  
 SENATE BILL NO. 277,  
 SENATE BILL NO. 567,  
 SENATE BILL NO. 579,  
 SENATE BILL NO. 619,  
 SENATE BILL NO. 626,  
 SENATE BILL NO. 635,  
 SENATE BILL NO. 648,  
 SENATE BILL NO. 710,  
 SENATE BILL NO. 862,  
 SENATE JOINT MEMORIAL NO. 15.

MESSAGE FROM THE HOUSE

May 3, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 44,  
 SUBSTITUTE HOUSE BILL NO. 47,  
 HOUSE BILL NO. 171,  
 HOUSE BILL NO. 209,  
 HOUSE BILL NO. 221,  
 HOUSE BILL NO. 237,  
 HOUSE BILL NO. 242,  
 SUBSTITUTE HOUSE BILL NO. 257,  
 HOUSE BILL NO. 337,  
 HOUSE BILL NO. 362,  
 HOUSE BILL NO. 391,

HOUSE JOINT MEMORIAL NO. 3,  
and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

SIGNED BY THE PRESIDENT:

The President signed:  
HOUSE BILL NO. 44,  
SUBSTITUTE HOUSE BILL NO. 47,  
HOUSE BILL NO. 171,  
HOUSE BILL NO. 209,  
HOUSE BILL NO. 221,  
HOUSE BILL NO. 237,  
HOUSE BILL NO. 242,  
SUBSTITUTE HOUSE BILL NO. 257,  
HOUSE BILL NO. 337,  
HOUSE BILL NO. 362,  
HOUSE BILL NO. 391,  
HOUSE JOINT MEMORIAL NO. 3.

MESSAGES FROM THE HOUSE

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 1082, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk. May 3, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 133, and has passed the bill as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 379, and has passed the bill as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 562, and has passed the bill as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 575, and has passed the bill as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 1060, and has passed the bill as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 7, and has adopted the resolution as amended by the Senate. May 3, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 200 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk. May 3, 1971.

MOTION

On motion of Senator Talley, the Senate refused to recede from its amendment to House Bill No. 200 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. 200 and the amendment thereto: Senators Talley, Lewis and Mardesich.

## MOTION

On motion of Senator Woodall, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 3, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 42 with the following amendment:

On page 3, section 2, line 20 of the engrossed bill, being the Senate amendment to page 3, strike everything after "fire" and insert a period, and the same is herewith transmitted, DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

Senator Gardner moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 42.

Debate ensued.

## POINT OF INQUIRY

Senator Atwood: "Senator Gardner, there was a little more to it than the Senate amendment. It was providing for appeals in the county in which the burning occurs. I think if you take this off, then you have to come to Thurston county if you want to appeal the decision of the board. That was the whole purpose of that amendment. You are trying to drum up a little trade for Thurston county, are you?"

Senator Lewis: "Senator Atwood, no, we are busy enough here but this was agreed amendment by both industry, natural resources and the department of ecology and the only people left to agree are you and Senator Durkan. So I would suggest—that was a little facetious—but it appears that this is the right route to go, Senator Atwood."

The motion carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 42.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 42, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—42.

Voting nay: Senators Durkan, Elicker, McDougall, Scott, Wilson—5.

Absent or not voting: Senator Greive—1.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 42, 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 3, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 858 with the following amendments:

On page 1, line 1, strike all the title and insert:

"An Act relating to the exchange and transfer of certain lands under the jurisdiction of the department of natural resources."

On page 1, add a new section as follows:

"*NEW SECTION. Sec. 2.* The department of natural resources shall have the authority to deed to Mason County Cemetery District No. 1 an area not to exceed one acre of state forest lands utilized for cemetery purposes located in section 30, township 23 north, range 1 west, Willamette Meridian, Mason county.",  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Engrossed Senate Bill No. 858.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 858, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Day, Greive—2.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 858, 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 3, 1971.

Mr. President: The House has passed SENATE BILL NO. 472 with the following amendment:

In line 1 of the title after "relating to" and before the semicolon following "insurance" strike "industrial insurance" and insert "premiums of employers for the building and construction industry pertaining to the industrial insurance system",  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Guess, the Senate concurred in the House amendment to Senate Bill No. 472.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 472, 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 Andersen, Atwood, Bailey, Canfield, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Connor, Day, Greive—3.

Excused: Senator Clarke—1.

SENATE BILL NO. 472, 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. 1082, by Representatives Bauer, Cunningham and Luders:

Providing a refund of excise taxes to owners of destroyed motor vehicles, mobile homes or travel trailers.

Referred to Committee on Transportation.

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

#### SENATE RESOLUTION: 1971-EX-65

By Senators Francis and Fleming:

WHEREAS, It has been the policy of the Legislature to remove discrimination because of sex wherever it is possible to do so; and

WHEREAS, It appears that discrimination may exist in the computation of retirement benefits by public retirement systems due to the use of different actuarial tables on life expectancy for men and women; and

WHEREAS, This computation results in women receiving lower benefits than men with comparable work histories;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the State Public Pension Commission be requested to study whether or not discrimination because of sex does, in fact, exist in public retirement system benefit computations, and to make a full report of such study, together with recommendations for action, to the Forty-third Regular Session of the Legislature; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the said Public Pension Commission.

#### MOTION FOR RECONSIDERATION

On motion of Senator Whetzel, the motion for reconsideration by Senator Metcalf from May 1, 1971 to reconsider the vote by which Engrossed Senate Bill No. 149 passed the Senate was made a special order of business immediately following the noon recess.

#### MOTIONS

On motion of Senator Gissberg, Engrossed Substitute House Bill No. 584 was made a special order of business at 2:00 p.m. today.

On motion of Senator Stender, Senate Bill No. 486 was made a special order of business immediately following consideration of Engrossed Substitute House Bill No. 584.

On motion of Senator Wilson, Engrossed House Bill No. 11 was ordered to hold its place on the second reading calendar for Wednesday, May 5, 1971.

At 12:30 p.m., on motion of Senator Bailey, the Senate recessed until 1:45 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

#### MOTION

Senator Durkan moved that Senate Bill No. 371 be referred to the Committee on Rules and Joint Rules.

Senators McDougall, Matson and Bailey 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 Clarke who had previously been excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## POINT OF ORDER

Senator McDougall: "I believe that the motion made by Senator Durkan was to refer Senate Bill No. 371 to the Committee on Rules and Joint Rules and I believe that Senator Greive is talking about an amendment which was proposed by Senator Matson and myself which is not before the body."

## MOTION

Senator Greive moved that the motion by Senator Durkan be amended to refer Senate Bill No. 371 to the Committee on Rules and Joint Rules with instructions.

## POINT OF ORDER

Senator Woodall: "The point of order is that while recognized to speak on an existing motion, he cannot speak and then at the same time make an auxiliary motion."

## PRESIDENT'S RULING

The President: "Senator Woodall's point of order is well taken."

## PARLIAMENTARY INQUIRY

Senator Durkan: "Does the three-minute rule apply?"

## REPLY BY THE PRESIDENT

The President: "Yes, Senator."

## POINT OF INQUIRY

Senator McDougall: "Mr. President, will Senator Matson yield? Senator, inasmuch as Senator Greive spoke basically about an amendment which he and Senator Washington proposed and alluded to an amendment which you and I proposed, could you tell us the effects of rerefering this Senate Bill No. 371 back to the Committee on Rules and Joint Rules and what the effect of the amendment proposed by yourself and myself would have been?"

Senator Matson: "Senator, in order to stay within the time limit this is going to have to be somewhat brief."

## MOTION

On motion of Senator Greive, the rules were suspended to allow Senator Matson to reply to the point of inquiry by Senator McDougall.

Senator Matson: "Thank you, Senator Greive. I do not talk a great deal or at any great length so I will still try to stay within the three minutes.

"I think the point here is that the vote on this motion of Senator Durkan's to refer is plain and simple a move to kill the amendment that Senator McDougall and I have proposed on Senate Bill No. 371. In essence it is almost a parallel motion against those amendments, those amendments that those of us who work in this area believe are very necessary in a labor relations act this year in the state of Washington. I suspect that perhaps the easiest way to go about this is simply to tell you that if you believe that employees of any union including an agricultural union should not have the right of secret ballot for organizational purposes, for decertification purposes, or the right of secret ballot to determine whether they will or will not strike, then I suggest you vote for Senator Durkan's motion. If you believe that farmers should not have the right to hire college students or Boeing workers on vacation or unemployment compensation, or housewives or retired people, then I suggest that you vote for Senator Durkan's motion. If you also believe that farmers can survive and



produce the food and fiber that we need in this state and in this nation without an arbitration procedure in lieu of strikes, then I suggest you vote for Senator Durkan's motion. If you also believe that the near-blackmail tactics of secondary boycott jurisdictional disputes and hot cargo deal disputes to bring about economic pressure on farmers to commit his employees to a labor union without a vote, then I suggest you again support Senator Durkan's motion.

"On the other hand, if you believe that guidelines and arbitration procedures to provide for orderly, unemotional gains in the farm labor field without the chaos and disastrous law of the jungle that is now being experienced in California, I urge that you vote against Senator Durkan's motion."

Senator Newschwander demanded a roll call and the demand was sustained by Senators Atwood, Canfield, Andersen, McDougall, Stortini, Fleming, Francis, Ridder and Connor.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Durkan, as amended by Senator Greive, carried by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington, Wilson—29.

Voting nay: Senators Andersen, Atwood, Canfield, Elicker, Guess, Henry, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—19.

Excused: Senator Clarke—1.

SENATE BILL NO. 371 was referred to the Committee on Rules and Joint Rules with instructions.

#### SPECIAL ORDER OF BUSINESS

The time having arrived the Senate resumed consideration of the motion by Senator Metcalf to reconsider the vote by which the Senate passed Engrossed Senate Bill No. 149 on May 1, 1971. The motion for reconsideration carried. On motion of Senator Whetzel, the rules were suspended and Engrossed Senate Bill No. 149 was returned to second reading. On motion of Senator Whetzel, the following amendment was adopted:

On page 1, section 1, beginning on line 19 of the engrossed bill, being the Senate amendment adding three sections, strike new sections 2, 3, and 4 and insert the following: "NEW SECTION. Sec. 2. The compensation of port commissioners shall be set by the port commission.

NEW SECTION. Sec. 3. Section 4, chapter 348, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250 are each repealed."

#### MOTIONS

On motion of Senator Durkan, the Senate dispensed with the Call of the Senate.

On motion of Senator Keefe, Senator Durkan was excused.

On motion of Senator Gissberg, the rules were suspended, Reengrossed Senate Bill No. 149 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 Reengrossed Senate Bill No. 149, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander,

Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Talley, Twigg, Washington, Whetzel—37.

Voting nay: Senators Canfield, Fleming, Gardner, Metcalf, Ridder, Stortini, Walgren, Wilson, Woodall—9.

Absent or not voting: Senator McCutcheon—1.

Excused: Senators Clarke, Durkan—2.

REENGROSSED SENATE BILL NO. 149, having received the 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 SUBSTITUTE HOUSE BILL NO. 584, by Committee on Natural Resources and Ecology:

Providing for the management of shoreline areas.

The time having arrived the Senate began consideration of Engrossed Substitute House Bill No. 584.

#### REPORT OF STANDING COMMITTEE

April 30, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 584, providing for the management of shoreline areas (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 3, line 13, strike all the material following "vegetation" down to the semicolon on line 15 and insert "as that condition exists on the effective date of this chapter or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water"

On page 5, section 3, line 1 after "the" and before "of" strike "Straits" and insert "Strait"

On page 5, section 3, line 14 after "the" and before "ordinary" strike "line of"

On page 6, section 3, beginning on line 20, strike the remainder of the section down to and including the period on line 7, page 7 and insert:

"(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter."

On page 7, section 6, line 18 after "within" and before "days" strike "ninety" and insert "one hundred twenty"

On page 8, beginning on line 12 strike all of section 7.

Renumber the remaining sections consecutively.

On page 10, section 10 of the printed bill, line 6, after the period, insert the following: "If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided."

On page 12, section 11 of the printed bill, following "same." on line 10 insert a new subsection (5) to read as follows:

"(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in section 2 of this chapter. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in section 15 (3) of this chapter."

On page 12, section 12 of the printed bill, strike everything after "act." on line 18 down to and including the period on line 25.

On page 13, section 15 of the printed bill, line 33 after "No" and before "development" strike "substantial"

On page 15, section 15 of the printed bill, line 3 after "until" and before the period strike "a permit is finally approved" and insert: "forty-five days from the date of final approval by the local government or until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government"

On page 15, section 15 of the printed bill, beginning on line 8 strike all of subsection (6) down to and including the period on line 12 and insert:

"(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in section 17 (1) of this chapter, the person requesting the review shall have the burden of proof."

On page 15, section 15 of the printed bill, beginning on line 22 strike all of subsection (9) down to and including the period on line 27 and insert the following new subsections:

"(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to the effective date of this chapter.

(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."

On page 15, line 28 insert the following new sections:

**NEW SECTION.** Sec. 15. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: PROVIDED, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: PROVIDED FURTHER, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.

**NEW SECTION.** Sec. 16. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark."

Remember the remaining sections consecutively.

On page 15, section 16 of the printed bill, line 28, after "board" and before "is" insert "sitting as a quasi judicial body"

On page 16, section 17 of the printed bill, beginning on line 9, strike all of subsection (1) down to and including the period on line 18 and insert:

"(1) Any person aggrieved by the granting or denying of a permit on shorelines of the

state, or rescinding a permit pursuant to section 15 of this chapter may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor."

On page 17, section 17 of the printed bill, strike all of subsections (4), (5) and (6) down to and including the period on line 22 and insert:

"(4) Local government may appeal to the shorelines hearing board any rules, regulations, guidelines, designations or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of section 2 of this chapter and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearing board."

On page 17, section 20 of the printed bill, line 33 after "government" and before "bring" strike "is authorized to" and insert "shall"

On page 18, section 21 of the printed bill, line 11, after "one" and before "dollars" strike "hundred" and insert "thousand"

On page 20, section 26 of the printed bill, line 6 after "to" and before "and" strike "May 1, 1971," and insert "December 4, 1969,"

On page 23, section 40 of the printed bill, line 19 after "on" and before the period strike "May 1, 1971" and insert "June 1, 1971"

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Donohue, Gissberg, Metcalf, Peterson (Ted), Sandison, Talley.

The bill was read the second time by sections.

#### MOTIONS

On motion of Senator Greive, the rules were suspended and no limitation on time allowed on debate on Engrossed Substitute House Bill No. 584.

On motion of Senator Gissberg, the committee amendments to pages 4 and 5 were adopted.

Senator Gissberg moved adoption of the committee amendment to page 6.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Gissberg, I do not want to interrupt your train of thought

here but I was wondering if you would accept questions during this explanation. You said that an individual who owned a lot could build a home on the lot for his own use but a developer could not. Now, who is the developer going to have to obtain the permit from?"

Senator Gissberg: "The local agency involved, whether it be a city or a county jurisdiction. However, I will get into all of those substantive matters as we go through it, probably not on the adoption of these or if you feel that I should, I can give you a rundown of what the whole bill does and then that way it may make more sense for you to follow the specific amendments. If I might do that, it might be more helpful to the Senate in understanding this whole gist of these amendments."

#### POINT OF INQUIRY

Senator Washington: "I do have a question on this particular amendment. Just a brief preface, one of the purposes of such an act is to prevent homes and recreation homes from being built close to waterways, particularly in the foothills and mountain section. Now would this bill allow as is now going on, small homes or even larger homes to be built right close to the water course?"

Senator Gissberg: "Yes, assuming that it otherwise met the underlying zoning requirements that would have to be adopted pursuant to this act but only if the zoning permitted that. In other words, once the master program which consists of all of the zoning, has been adopted, if that zoning for that particular area accommodated and allowed single family residences, whether it be under a planned unit development or otherwise, then the owner of a lot within that properly zoned area could construct his single family residence without a permit for doing so. But bear in mind the land itself within that shoreline area would have to be so zoned to accommodate that particular use."

Senator Washington: "But the other point, it would be possible then for them to build very close to the water course itself under the strict interpretation of this particular amendment."

Senator Gissberg: "Assuming, but only assuming that the local government and the state of Washington after going through a very laborious process had agreed that a particular site did accommodate and was in the public interest to allow it to be done."

The motion carried and the committee amendment to page 6 was adopted.

On motion of Senator Gissberg, the committee amendments to pages 7 and 8 were adopted.

Senator Gissberg moved adoption of the committee amendment to page 10.

#### POINT OF INQUIRY

Senator Guess: "Would Senator Gissberg yield? Senator, the last sentence of the amendment says, 'Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided'. In other words, if the county has proposed something, they have sent it in to the state and they have not approved it, sent it back, the local agency again sends something back and the state still does not adopt it, then they can make up their minds as to what the local agency is going to have, willy-nilly. Disregarding the feelings of the local area, why do we go through all of the folderol and the subterfuge of having the local agencies do anything other than do exactly what the state says in the beginning?"

Senator Gissberg: "There are several reasons, Senator, I think. Not the least of which is we are all part of the same state and I do not think that the local governments and the state government are going to be fighting this out in an arena. I think it is going to be based on reason, discussion and cooperation.

"Now, the second part of my answer to your question is that this particular section applies to shorelines of state-wide significance, which are defined under the act, of course, as lakes which are in excess of a thousand acres in size, which are really quite large and there are not too many of those in the state of Washington to begin with. And it also applies to some of the large major river systems of the state and we were surprised to learn that there were not as many of those as we thought there were. And, of course, it applies to the seacoast, the ocean beaches and parts of Puget Sound. Where I have no doubt that there is an abiding state-wide interest and an abiding state-wide concern which I think transcends the ability of the local government, at least as to those particular waters, to require the state to have the final say in connection with the development of those particular bodies of water and the uplands and wetlands associated with them. That is the philosophy of it. If you disagree with that philosophy, as some people do, then you get to the heart of it. But the Bailey amendment which we are now discussing, you see, requires further input by the department.

"As the bill came over from the House if the department did not like the plan that was submitted by the locals as to shorelands of state-wide significance, the department could say, 'No, we turn it down and that is all there is to it', and then the state would go ahead. Under the Bailey amendment the state would have to resubmit and tell the locals why they did not like their plan and then the local governments would resubmit their program, not

necessarily in the same fashion that the state says it has to be done—planning is not that rigid. It provides for flexibility and local government resubmits the program to the state.

"At that point, of course, if the state does not approve of it, as you have pointed out, the state can adopt an alternative which would be binding on the locals. But the local government could then appeal that determination to the appeals hearing board."

Senator Guess: "That was what I wanted to hear, Senator."

Senator Bailey: "Senator Guess, I come from an area of all state-wide significance and I was very interested in seeing there was at least one more bounce back before the state took over and I also, I think Senator Gissberg will reach it very shortly, but a little later, about four pages in the bill, the appeal proceeding is in that other section and so I really feel this gives us quite a bit more protection than we had before."

The motion carried and the committee amendment to page 10 was adopted.

Senator Gissberg moved adoption of the remaining committee amendments.

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "Senator Gissberg, in section 16, surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Straits of Juan de Fuca on all lands within a thousand feet landward of said mark. Will you permit slant drilling?"

Senator Gissberg: "Not within the area that the bill prohibits. In order to slant drill, you would have to go back at least a thousand feet from the ordinary high water mark before you could drill and then you would have to drill down under the regulated shorelines."

Senator Guess: "Senator, you can sit in the middle of a quarter section or actually you can sit on a section of land and you can drill to all of the quarters within that section by sitting in the midpoint and this puts your drill-point, or your developer of the field sometimes as high as twenty-five hundred feet away from where you are really sitting. Now what I want to know is if this would not prohibit you from going at the thousand foot mark and then going out to the extent of the technology."

Senator Gissberg: "No, it would not. Mr. Cole has indicated publicly and otherwise that he would not approve any slant drilling within the state and his department has that authority, until such time as the technology in his opinion has progressed to the point where there is not the danger of spills of oil as such.

"But to specifically answer your question, this act only governs the breaking of the surface of the ground within a distance of one thousand feet from the high water mark landward. You cannot drill the bottom under the water nor can you drill anywhere within a thousand feet upland from the line of ordinary high water. You could, under your circumstance, go back a thousand and ten feet and slant drill."

Senator Guess: "Okay. Now, in your early explanation, I did not ask the question but now in section 15, it appears that within the shorelines this business has to do with that thirty percent of the merchantable trees which may be harvested in any ten year period. Now this gets down to bother me from the standpoint of what is a shoreline. What constitutes a body of water on which we are talking?"

Senator Gissberg: "You have to look back on page 4 of the bill and examine the definitions. Let me explain it to you this way, Senator Guess: The kind of waterways we are talking about that are covered by this act are all waterways, all streams which are at least three feet wide and a foot and a half feet deep. Now it is that size of stream that carries a mean annual flow of twenty cubic feet per second. Now anything less than that size that I just indicated is not covered by the act in any respect. But all streams and bodies of water that are larger than that, including the ocean beaches, Puget Sound, lakes in excess of twenty acres, are covered by the act. And the timber cutting provision would apply to those and within two hundred feet upland. It would apply to all those areas."

#### POINT OF INQUIRY

Senator Whetzel: "On the amendment on page 15 dealing with the plat, I wonder if you would explain the conditions there on the pink amendment in section 9, an amendment to page 15, section 15, says no permit will be required for a preliminary plat approved prior to April 1, 1971, if, and then there is (a), (b), (c), (d) and (e). Are those intended to all conditions or are they alternative. I am now confused."

Senator Gissberg: "(a) and (b) are alternative and the remainder are conjunctive. The reason for that, I will explain, Senator Whetzel, if I may, to the best of my ability at least.

"As the bill came over from the House, there was an exclusion which said that no permit was required for construction incident to the development of platted property which otherwise meets all requirements of state and local government for property either platted prior to the effective date of the act or for which a preliminary plat had been approved by the appropriate local government. Now this would have left it wide open, in our judgment. There are many plats in the state of Washington that have been made in shorelines which would be covered by this act which received no planning whatsoever. They received no

development as such and so that, had we accepted the bill as it came over from the House, there would have been large areas and old plats of the state which have never been implemented, trees are grown up and so forth, that would have been excluded from the act. This constituted one of the Governor's serious objections, one of his many objections to the act, and as a matter of fact, he gave us the specific language that now appears in the bill in that amendment. The amendment seeks to tighten up on which plats are excepted from the permit system. Now it does not talk about construction. In some instances as to future construction on the plats you may still be required to get permits to construct. But it seeks to get a handle on plats that are old. In other words, those old plats are going to have to come back in unless there is substantial development already on them. As to the dates that are in there, I understand that they were picked out of the air, on the somewhat specious reasoning that it was at least until April 1961 before there was any effective planning going on throughout the state and the local political subdivisions and they felt that from that date forward at least there was effective planning going on. As I say, that is the specific language of the amendment that was submitted to us by the Governor and that was one of the instances where we adopted his language."

Senator Whetzel: "For the explanation, it seems to me that subsection (b) would exclude from this act any one of the ancient plats since they would have been approved prior to April 1, 1971, as long as there had been sales of lots to purchase with reference plat, two sales of a 1905 plat, as long as those sales took place before April 1, 1971, would exempt that entire plat from this act. Do you read it that way?"

Senator Gissberg: "Yes, I do."

Senator Whetzel: "Do you think that is desirable?"

Senator Gissberg: "I think we are talking about something that is de minimus."

Senator Guess: "Senator Gissberg, in connection with subsection (9), it says, 'No permit shall be required for any development on the shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971.' All right. Now, what size buildings and what size developments are we considering here? For instance, would a group of people who have banded together for a condominium or to build on the oceanside, they have had the application in for a number of years, it has been approved by the local area, but it has not been approved by any higher authority. Would they be permitted to go ahead and build according to the permit they have gotten from the local government already?"

Senator Gissberg: "Assuming that the condominium was a final plat or was a plat that was approved within those time limits, they could go ahead with the consummation of their project. They would probably have a vested right if they had a valid building permit."

Senator Guess: "Even though this would be closer than two hundred feet from the water's edge?"

Senator Gissberg: "Yes."

Senator Guess: "Okay, thank you."

Senator Whetzel: "Another question. Over on page 20 in the amendment to line 6 that changes the date to December 4, 1969, this I assume relates to the Wilbour vs. Gallagher case and . . ."

Senator Gissberg: "Yes."

Senator Whetzel: "I think makes legal any fills that took place prior to December 4, 1969."

Senator Gissberg: "Yes."

Senator Whetzel: "Is there any saving provision for any pending litigation? I do not know what, other than the particular case of Wilbour vs. Gallagher and maybe that is all resolved now but is there any other . . ."

Senator Gissberg: "Subsection (4) relates to pending litigation, on lines 22 through 26 of that same page. I am sure you are aware of why we changed that date from the date May 1, 1971 to December 4, 1969. That was the date, as you pointed out, of the decision of the Supreme Court in Wilbour vs. Gallagher. To leave the date in as it came over from the House would have had the effect of rewarding those persons who, in spite of the decision, had chosen to infringe upon and impair the public rights of navigation. While at the same time it would have penalized those who, from caution or a sense of public conscience, had refrained from undertaking the infringement in spite of the Supreme Court decision, and consequently the reason for the change of the date. Incidentally, the Governor also felt that we should move the date back."

Senator Whetzel: "Are we changing the result in the Wilbour case or any other case by, I guess my question includes both the amendment to the date and the . . ."

Senator Gissberg: "Yes, I think in the entire section in subsection (3), you are, the state of Washington is giving its consent to the impairment of public rights of navigation as to those structures, improvements, docks, fills or developments which were placed in navigable waters prior to December 4, 1969. And it is a savings clause for those structures that were placed there prior to Wilbour vs. Gallagher. If it is not there, then every dock, most of industry in the state that is on the water, of course, is there illegally and subject to mandatory injunction to being removed by anyone that wants to bring the lawsuit. Consequently, that is why the savings clause is there, and the state is giving, or purports to give its consent to the impairment of the navigable rights of the public generally which are impeded by the construction of those docks and facilities that are in the navigable waters."

The motion carried and the remainder of the committee amendments were adopted.

Senator Mardesich moved adoption of the following amendment:

On page 23, section 40, line 16, strike section 40.  
Debate ensued.

### POINT OF INQUIRY

Senator Guess: "The guidelines that are to be developed in the hearings, are these going to be held under the Washington Administrative Code procedures?"

Senator Gissberg: "Yes, they are."

Senator Guess: "All right, I was wondering, one other thing that I did not cover a minute ago when I asked you about the platting. Can a person owning a large area, for instance, in his natural holdings now, can he sell off to individuals, not as a developer but the market say is a good market for recreational purposes and one by one he can sell these lots off in conformance with the present platting laws, does he then have to make application as a developer or does he fall under . . . do each one of the lots that are sold fall under the individual application to the local agency?"

Senator Gissberg: "I take it you are talking about plats other than the construction of anything on them?"

Senator Guess: "Yes."

Senator Gissberg: "In the first part of your question having to do with whether or not he can sell off his land, platted or otherwise, he cannot plat unless of course the master program that has been adopted accommodates a particular plat for a particular purpose. In other words, the zoning of the area may not accommodate single family residences in which he then cannot have a plat approved. That is number one. No property owner has the absolute assurance of being able to use his land for the purpose of platting it up into homesites unless it meets the requirements of the underlying zoning. I am sure Spokane county has a zoning ordinance and you do not allow a plat in an area which does not accommodate single family residences. Assuming, however, the underlying zoning did accommodate single family residences, yes, you would have to receive a permit for the development of that plat, from the standpoint that it would require at least an expenditure of a thousand dollars to put in the roads and the utilities and so on. Once that was permitted and once the plat was in, then the landowner would be perfectly free and able to do as he does now, namely sell those lots to individual purchasers, without getting any further permits from the state. But if he were going to build on twenty of them himself and sell them, then he would have to have another permit."

Senator Guess: "Now, would you look at lines 18, 19 and 20 on the first page and, keeping in mind your reply to me and using the assumption that the local agency or the state, either one, will permit construction on the privately owned shoreline, are we not then taking, in effect, that particular person's land and his right to the land away from him or unduly circumscribing the use of private property?"

Senator Gissberg: "Well, Senator, you are discussing the whole philosophy of how far either the state and/or local governments can go in the exercise of their police powers in connection with regulation of uses of land by the private owners thereof, and the doctrine of law espoused in this state as handed down by our supreme court says that so long as there remains some reasonable economic use of that land by the landowner he cannot complain that the state is taking his property for public purposes without compensation by restricting his use to all but one use.

"Now that is the law of this state. The supreme court has laid it down. We are not laying anything further down in connection with it. We cannot, in terms of this act, attempt to do so and if the master programs that are ultimately developed under this act are such that it deprives a property owner of any reasonable economic use of his property, then of course this constitutional prohibition would have been violated and the property owner would be entitled either to compensation and/or the master program would be declared to be unlawful in a court of law."

Senator Guess: "Well that is the whole crux of the question then, Senator Gissberg, as to whether or not the master plan is a reasonable plan and a reasonable circumvention of the individual's right to use his own property, and this is the thing that the bill does not completely assure me of is that we are not going to have some jurisdiction who will step over the bounds of good government and proscribe certain regulations so strict that the person will not be able to use his land to the best of his ability."

Senator Gissberg: "I think that is entirely possible and it certainly is the vogue of planning and zoning now. It is the main thrust of planning and zoning now, quite aside from this bill. Thurston county is now going through this change and the agony of planning land uses. Owners of property are finding that they are not going to be able to use the land for the purpose that they thought was the highest and best use to them but that their use is in the future going to have to accommodate itself to an orderly planned use for the benefit and orderly growth of the entire community and all of Thurston county.

"The same concepts apply to this as it does to any other planning concept that we now have on the books of this state. I would enjoin you to look at the first two lines on top of page 2 where as a part of the policy expression it is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses subject, of course, to the preferential treatment that is given later on down. Obviously there must be some reasonable use available for the owner of property to use his land, otherwise it is a taking without compensation. One of the most serious objections that



I had and frankly that I now have with Initiative 43 is that in my opinion as I read it as a lawyer, it prohibits the use of any of the shorelines described in that act for use for single family residences. It is fine to use it for commercial purposes, fine to use it for port purposes and everything else but not little Joe Blow, he cannot build a house within a shoreline area under Initiative 43 and that is my strongest objection to the initiative."

Senator Guess: "Senator Gissberg, I have had some letters of question from the area which is an agricultural area lying north of Spokane, not in my district, but people who are very concerned over the use of pasture land. Is there anything in the bill which is going to limit the use of the farmer from his pasture land and can he continue to graze his cattle along the bank of a stream without having to fence the bank of the stream?"

Senator Gissberg: "Senator, the bill does not get into that kind of detail as a prohibition. It could conceivably, the departments conceivably could restrict certain lands, I would assume, for that purpose. But I cannot conceive that lands which have ordinarily been used as farm lands could be construed or planned in any fashion other than that use if the owners of the land and the local people want it to be continued for that purpose. The whole thrust of the state has been, in recent times at least, to preserve and protect those open spaces."

Senator Guess: "Senator Gissberg, again back to line 18, it says that one of the goals of it is the unrestricted construction. Now are we just talking about construction and not talking about what the farmer does on his land or if he can do . . .?"

Senator Gissberg: "There we are just saying that the state as a whole and the legislature specifically believes that there ought to be a handle on construction. That unrestricted construction for any purpose, for any reason, for any activity should be circumscribed and controlled. That is the meaning of that."

Senator Guess: "Thank you, Senator Gissberg."

Further debate ensued.

#### POINT OF INFORMATION

Senator Bailey: "I think we are voting on the emergency clause striking, not on the amount of property Senator Washington owns, and that would not have much to do with that, would it, Senator? Now I own property a thousand feet from the river and if they included a thousand feet I would be in it too and if they do not include a thousand feet I will not be in it so maybe I should not vote either but this is kind of a reverse sort of a conflict of interest. I do not know who would be in this bill if we all take everybody out. But right now we are voting on the emergency clause and I do not think it has anything to do with a personal interest."

The motion by Senator Mardesich failed and the amendment was not adopted on a rising vote.

Senator Whetzel moved adoption of the following amendment:

On page 21, section 31, line 26, of the engrossed bill, after "building" insert "or structure"

#### POINT OF INQUIRY

Senator Canfield: "Senator Whetzel, would this exclude a flagpole or a television aerial under your definition of a structure?"

Senator Whetzel: "It would if it would obstruct the view of a substantial number of residences on areas adjoining such shoreline, except where a master program does not prohibit the same and then only when overriding consideration of public interest will be served. I think we are talking about a fairly massive structure rather than something slender like that."

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

On motion of Senator Holman, the following amendment was adopted:

On page 23, section 41, line 25, after "next" insert "ensuing regular" and on line 28 before "general" insert "ensuing regular"

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Gissberg yield to a question? Senator, for the record I would like to ask you a question that we discussed in subcommittee. In your opinion, would section 3, subsection (e) (i) as amended by the Senate Natural Resources Committee amendment include the normal maintenance and reconstruction of existing railroad facilities such as repairs to road beds, and tracks, replacement of over-age bridges and replacement or up-grading of signals on railroads rights-of-way?"

Senator Gissberg: "Mr. President, Senator Bailey, yes, it is our intent to do so. Under that definition we are excluding from the permit section and from the definition of substantial development the very things that you have described and there is no intent by

the drafters of this amendment to in any way restrict the activity of the railroads that you have described which would otherwise fall within the purview of this act."

#### POINT OF INQUIRY

Senator Guess: "Senator Gissberg, would you yield? In section 31 which was just amended, regarding the building of structure, says, 'No permit shall be issued pursuant to this chapter for any new or expanded building of more than thirty-five feet above average grade that will obstruct the view of a substantial number of residences on areas adjoining such shoreline'. Now let me assume that there are no residences on the area behind the structure. Would this section apply?"

Senator Gissberg: "You pose a very interesting legal question of construction. I would, if I were on the bench and had the problem submitted to me without benefit of authorities, examine what the whole intent of the amendment was and it is to prohibit the obstruction of view. Notwithstanding the fact that there was no residence actually constructed behind me, if the underlying zoning of that property were such that it were zoned to accommodate residences at some future date I would hold that the construction in excess of thirty-five feet would nonetheless be prohibited."

Senator Guess: "Senator Gissberg, suppose I was the sole owner of all of the land lying back of the structure and had no intention of putting residences on the area, or that the area was so steep that at no time could residences be put on the area, would this apply?"

Senator Gissberg: "I think under that factual pattern you have demonstrated that it would not interfere or obstruct the view of any other residences. As a matter of fact, if you are on a hillside I do not know how it could."

Senator Guess: "You might have land that was of such a nature that it could be built on but at the present time it has no residences on it, yet I own it and it is not my present intention of building anything there and so I go ahead and build a property or a building structure higher than thirty-five feet. Then later on decide to sell to residential areas, the person who would buy in future years would have the opportunity of knowing that the structure was there before he bought, it seems to me that he would have been preempted from having any complaint."

Senator Gissberg: "That very well may be, Senator, but construing the whole policy provisions of the act and what this is trying to get at, I would say that it would probably be strictly construed and that could very well mean that under the factual circumstance that you have put that you could not construct such a building which would obstruct the view, potentially, of other users at some future time, whether it be twenty-five, fifty or a hundred years down the line."

Senator Guess: "Then, Senator Gissberg, could you build a structure, having ownership of the land lying back, and put into the deed or covenant that no residences shall be in the future built on the area, then would it be a permissible item?"

Senator Gissberg: "You are asking me for a lot of legal opinions, Senator, but I would say that assuming that that covenant ran with the land and there was no way that future owners could waive that covenant, then I would say that there would be no reason why you could not so construct."

Senator Guess: "Okay, thank you very much."

#### POINT OF INQUIRY

Senator Whetzel: "Will Senator Gissberg yield? Senator, I wonder if you would explain section 27 relating to agencies of state government, whether they come under the—this is apart from the department of natural resources which we treat as a local agency—I assume that the state agencies would not have to submit their plans to local agencies. Does this extension of the provisions of this chapter mean that they are to submit their plans to the department for approval and that they will be issuing the permits, or how is it set up in this act for the other agencies of state government?"

Senator Gissberg: "I think your question is twofold. The first part of it is relatively easy and the second part I have got to find the definition of 'person' which is in here somewhere, Senator Whetzel. The first part of it goes to the proposition as to whether or not the state particularly, and other public bodies, but particularly the state, is giving up its sovereignty for the purpose of regulating the uses of land owned by the state. And the answer is, yes, that it is giving up its sovereignty. As you know, traditionally the local planning function does not encompass the power of being able to zone effectively as against state-owned property or any state agency's property. But in that connection this act does state that publicly owned property is subject to the provisions of the act insofar as planning and use is concerned as is any other privately owned property. Now I am advised that on page 3, the definition of 'person' appears and it means, not only individuals, corporations and so on, but public or municipal corporations or agencies of the state or local government unit, however designated. Which would mean then an affirmative answer to your question and that is that it would be subject to the permit section of section 15."

Senator Whetzel: "I do not see the word 'person' in that section 15, which is what gives me some concern as to the—it just says no substantial development shall be undertaken

without a permit. It does not say no person shall undertake a development without a permit."

Senator Gissberg: "I think it is a distinction without a difference. I do not think you could have a ghost apply for a permit. The application would have to come from some thing or someone."

Senator Whetzel: "It is your intention that the state agencies would have to get a permit for substantial development on—would that apply just to the shorelines of state-wide significance?"

Senator Gissberg: "No, it would apply to all shorelines of the state."

Senator Whetzel: "In the shorelines of state-wide significance, they would apply to the department and the other shorelines they would apply to the local government, is that it?"

Senator Gissberg: "No, it is not. The entire permit section, whether it be on shorelines of state-wide significance or shorelines are submitted to the local government which is charged with the responsibility of administering the permit system, subject to the rights of appeal and so on. So as to the state piece of property, if the state wanted to build something on it within the shoreline area, whether it be of state-wide significance or local significance, it would have to apply to the local governmental unit for a permit to construct."

On motion of Senator Gissberg, the rules were suspended, Engrossed Substitute House Bill No. 584, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 584, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Herr, Holman, Jolly, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—38.

Voting nay: Senators Cooney, Dore, Greive, Huntley, Keefe, Newschwander, Ridder, Washington, Whetzel—9.

Absent or not voting: Senator Henry—1.

Excused: Senator Clarke—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 584, 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

SENATE BILL NO. 486, by Senator Stender:

Providing legislation to promote the public welfare in regard to the public highways of this state.

The time having arrived, the Senate commenced consideration of Senate Bill No. 486.

#### REPORT OF STANDING COMMITTEE

April 8, 1971.

SENATE BILL NO. 486, providing legislation to promote the public welfare in regard to the public highways of this state (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1, line 3, strike all of section 1 and insert the following new sections:

"NEW SECTION. Section 1. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature finds that federal regulations governing the construction, reconstruction, repair, alteration, relocation and improvement of the national system of defense and interstate highways, funded in large part by funds of the United States, require

substantial removal and relocation of the facilities of local utilities. The removal and relocation of these facilities in Washington, necessary to serve the national need for safe interstate highways, cost millions of dollars. The congress, accepting a national interstate highway system as a national commitment to be paid for nationally, has provided federal funds to pay the great bulk of the costs—including the costs of removing and relocating utility facilities where payment of such costs is permitted by state law. Thus the cost of utility facility removal and relocation was intended to be part of the national highway commitment, rather than a burden to the utility rate payers of this state.

The legislature further finds that it is in the public interest and for a public purpose that utilities owning such facilities be paid or reimbursed for the relocation and removal costs so that federal moneys might be obtained and Washington tax and utility rate payers pay no more than their fair share for the national highway program. Receipt of federal funds will benefit utility rate payers who make up the public and will not confer a significant benefit on utility owners.

**NEW SECTION.** Sec. 2. There is added to chapter 47.44 RCW a new section to read as follows:

There is hereby established in the state treasury a special fund, to be known as the federal-aid utility relocation fund and to be administered by the state highway commission in accordance with the provisions of this act. The special fund is and shall be administered as a separate and special fund of a proprietary nature. There shall be appropriate accounts and subaccounts within the fund, as required by sound accounting practices, including but not limited to individual accounts for each of the several utilities making payments to the fund as hereinafter provided. The special fund shall not be a part of the general fund of the state nor of the state motor vehicle fund, and in no event shall any of the general fund or the motor vehicle fund be used in connection with this act.

**NEW SECTION.** Sec. 3. There is added to chapter 47.44 RCW a new section to read as follows:

Contributions and advances may be made to the federal-aid utility relocation fund by publicly, privately or cooperatively owned utilities, and shall be credited to individual accounts for those utilities. The contributions and advances shall be accepted on such terms and conditions as are appropriate for the purposes of carrying out this act. All moneys received by the fund shall upon receipt become funds of the state, subject, however, to the provisions of this act.

**NEW SECTION.** Sec. 4. There is added to chapter 47.44 RCW a new section to read as follows:

Moneys in the federal-aid utility relocation fund shall be used as follows:

(1) To pay the cost of administering the provisions of this act, which cost shall be equitably apportioned among and paid from the individual accounts of the participating utilities;

(2) To pay the costs of relocation and removal of utility facilities required by the construction, reconstruction, repair, alteration, relocation and improvement of interstate highways, notwithstanding any contrary provision of law or of any existing or future franchise held by any publicly, privately or cooperatively owned utility, but subject to the following limitations:

(a) No payment shall be made except in connection with the removal and relocation of facilities pursuant to highway commission order and except upon the presentation of evidence satisfactory to the state highway commission substantiating utility expenditures for removal or relocation; and

(2) No payment shall be made from the individual account of any utility which exceeds the total moneys in such individual account.

**NEW SECTION.** Sec. 5. There is added to chapter 47.44 RCW a new section to read as follows:

Promptly after the highway commission has paid or reimbursed a utility, in accordance with the provisions of this act, for costs of the removal or relocation of its facilities located on the federal interstate highway system, the highway commission shall apply to the United States for reimbursement of such removal and relocation costs under the provisions of section 123, Federal-aid Highway Act of 1958. Any funds received as a result of such application shall be deposited in the federal-aid utility relocation fund, and credited to the accounts of individual utilities in such amounts as the funds received represent and are attributable to federal reimbursement for state payments from those individual accounts as provided in this act.

**NEW SECTION.** Sec. 6. There is added to chapter 47.44 RCW a new section to read as follows:

All moneys in individual accounts shall be transmitted to the particular utilities within thirty days of their receipt by the highway commission. In the event of the discontinuance of the federal aid highway program, any moneys remaining in the federal-aid utility relocation fund, after all proper payments have been made therefrom, shall be paid to the state general fund.

**NEW SECTION.** Sec. 7. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature intends that the provisions of this act shall be nonseverable. If any provision of this act, or part thereof, or its application to any person or circumstance is held invalid, the entire act shall be inoperative. In the event this act should be declared

unconstitutional, all contributions and advances to the federal-aid utility relocation fund shall be repaid to the utilities in proportion to their contributions and advances."

On line 1 of the title, after "highways" and before the period insert " ; providing for payment for costs of relocating utility facilities located within the right-of-way of interstate highways, when relocation is necessitated by construction of such highways; creating a special fund out of which such payments shall be made; and adding new sections to chapter 47.44 RCW"

Signed by: Senators Henry, Vice Chairman; Connor, Donohue, Durkan, Elicker, Foley, Herr, Keefe, Knoblauch, Mardesich, Matson, Murray, Talley, Whetzel.

The bill was read the second time by sections.

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

President Pro Tempore Henry assumed the Chair.

On motion of Senator Stender, the rules were suspended, Engrossed Senate Bill No. 486 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. 486, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stender, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall-41.

Voting nay: Senators Huntley, Matson, Ridder, Sandison, Washington-5.

Absent or not voting: Senator Connor-1.

Excused: Senators Clarke, Durkan-2.

ENGROSSED SENATE 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

On motion of Senator Stender, the Senate immediately commenced consideration of Senate Bill No. 915.

### SECOND READING

SENATE BILL NO. 915, by Senators Stender, Peterson (Lowell) and Walgren:

Supporting the ferry system by earmarking certain motor vehicle fuel taxes therefor.

### MOTIONS

On motion of Senator Stender, Substitute Senate Bill No. 915 was substituted for Senate Bill No. 915, the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the following amendment was adopted:

On page 7, line 22 of the substitute bill following section 8 add two new sections to read as follows:

"Sec. 9. Section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030 are each amended to read as follows:

*Subject to the provisions of section 10 of this 1971 amendatory act, the [authority] state highway commission is empowered to negotiate and to enter into labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. Except for establishing salary and wage schedules, the commission shall have the authority to administer labor relations and to adjudicate all labor disputes on the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the*

commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the commission to negotiate the terms and conditions of his employment and the settlement of his labor disputes. [The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed, and shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system.]

**NEW SECTION.** Sec. 10. There is added to chapter 47.64 RCW a new section to read as follows:

The state personnel board shall adopt and revise recommended wage and salary schedules for employees of the Washington state ferries which shall be subject to the approval of the office of program planning and fiscal management in accordance with the provisions of chapter 43.88 RCW. In adopting or revising recommended wage and salary schedules for ferry employees the state personnel board shall give full consideration to prevailing rates in other public employment and in private employment in this state and for this purpose shall have made periodic wage surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature, the results of such wage survey to be forwarded with a recommended ferry employee salary schedule to the office of program planning and fiscal management and the Washington state highway commission for their use in preparing recommended appropriations from the Puget Sound ferry operations account to be submitted to the succeeding legislature."

Renumber the remaining sections consecutively.

Senator Whetzel moved adoption of the following amendment:

On page 2, section 1, line 18, after "amended" insert "": *PROVIDED, That proceeds of not to exceed one-eighths cent tax shall be available to be credited to the urban arterial trust account created by RCW 47.26.080 in the event revenues otherwise provided are insufficient to meet bond retirement requirements for limited obligation bonds authorized by RCW 47.26.420: PROVIDED FURTHER, That any such revenues that are required for city and county urban arterial bond retirement requirements shall be repaid to the motor vehicle fund for distribution pursuant to RCW 46.68.100 in the event additional revenues are made available for the city and county urban arterial program"*

#### POINT OF INQUIRY

Senator Bailey: "A question of Senator Whetzel. Senator, if we adopt this, does this mean then that we go back to our cities and say that you now have less money in the urban arterial fund because of the amendment that we are voting on here?"

Senator Whetzel: "It means this, that the urban arterial board has authorization to issue bonds for the project and their authorization is given them by statute. They have not issued them all and they get into the situation of agreeing to certain projects and then no demand is made on them for the funds because the projects do not get started. Last biennium roughly about half their money was uncommitted, although they had the authority to commit it. So this will actually put the urban arterial board in the position of being able to go a little further with their commitments to authorize additional projects to the cities and the counties but it is still within their statutory bond limits. And if they find—we do not think that they are going to get caught on this, if they do they then can draw on this fund to fulfill their commitments, and they will have to ultimately pay it back. So it is kind of a loaning in the fund to expedite the board.

"The board has held back because they have some commitments on some of these slow moving projects, from making commitments for other projects. Ultimately over the long run the gas tax that is allocated to the urban arterial board will pay all of this but this as I look on it, is a kind of an economic situation measure to see that the money that we have authorized can be spent and we did make some efforts in the transportation committee to encourage them to spend all the money and not have a lot of cash left over at the end of this particular biennium when we are so desperate to see that what state resources we have are put to use."

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

On motion of Senator Murray, the following amendment was adopted:

On page 5, section 5, line 23, after "provision" insert "": *PROVIDED, That adjustments, if any, during the 1971-1973 biennium, in salaries and wages of Puget Sound ferry personnel shall not be greater than the average adjustment, if any, in salary or wages paid to personnel covered by the state employees' personnel board, comparing the 1971-1973 biennium with the current biennium"*

On motion of Senator Guess, the following amendments to the title were adopted:

On line 11 of the title, after "47.60.440:" and before "adding" insert "amending section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030;"

On line 12 of the title before "repealing section" insert "adding a new section to chapter 47.64 RCW;"

On motion of Senator Stender, the rules were suspended, Engrossed Substitute Senate Bill No. 915 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 Atwood, Senator Lewis was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 915, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-42.

Voting nay: Senators Cooney, Knoblauch-2.

Absent or not voting: Senators Greive, Matson-2.

Excused: Senators Clarke, Durkan, Lewis-3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 915, having received the 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 Walgren, Engrossed Substitute Senate Bill No. 915 was ordered immediately transmitted to the House.

Senator Guess moved that Senate Bill No. 792 be placed at the end of the second reading calendar for today.

Debate ensued.

The motion lost.

#### SECOND READING

SENATE BILL NO. 792, by Senators Gissberg, Scott, Ridder and Peterson (Ted) (by Attorney General request):

Pertaining to consumer protection class actions.

The Senate resumed consideration on second reading of Senate Bill No. 792 as amended by Senator Gissberg on April 24, 1971.

Senator Guess moved adoption of the following amendment:

On page 1, section 1, line 21 after "action" insert "for actual damages"

Debate ensued.

The motion failed and the amendment was not adopted on a rising vote.

Senator Guess moved adoption of the following amendment:

On page 1, section 1, line 22, after "court;" insert:

"subject, however, to the following additional requirements:

(1) The right to bring a class action shall be limited to willful violations of RCW 19.86.020.

(2) Prior to the institution of a class action, the prospective plaintiff(s) shall provide written notification to the prospective defendant of his or their intent to institute such an action. The notice shall specify with reasonable particularity the class of persons for whom redress is sought, the acts claimed to have injured such persons, and the relief demanded. After receipt of said notice the prospective defendant shall have thirty (30) days to rectify or agree to rectify within a reasonable period of time the claimed violation. A class action may not be instituted as to the claimed violation if the prospective defendant so rectifies or agrees to rectify within a reasonable period of time the claimed violation and makes a showing that all of the following exist:

- (a) A reasonable effort to identify the members of the class has been made.
- (b) All members identified will be or have been notified that, upon their request, the prospective defendant shall take appropriate action to provide relief.
- (c) The relief requested has been or, in a reasonable time, shall be given.
- (d) The prospective defendant has ceased from engaging, or if immediate cessation is impossible or unreasonably expensive under the circumstances, will, within a reasonable time, cease to engage in the action claimed to be a violation.
- (3) In any class action the court may award reasonable attorneys' fees and costs to the prevailing party. Any award of reasonable attorneys' fees shall be determined by the value of the amount of time reasonably expended by the attorneys and may not be determined by reference to the amount of recovery on behalf of the class.
- (4) The court shall require the plaintiff(s) to provide security for costs and attorneys' fees of not less than five thousand dollars (\$5,000) and which is sufficient to secure the costs and attorneys' fees of defendant as provided in (3) above.
- (5) Any class action shall be commenced not more than one year from the date of the commission of the conduct constituting a violation."

Debate ensued.

On motion of Senator Ridder, the amendment by Senator Guess was laid upon the table.

On motion of Senator Gissberg, the rules were suspended, Engrossed Senate Bill No. 792 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. 792, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—34.

Voting nay: Senators Atwood, Canfield, Guess, Holman, Lewis, McDougall, Matson, Metcalf, Newschwander, Stender, Twigg, Woodall—12.

Absent or not voting: Senator Huntley—1.

Excused: Senators Clarke, Durkan—2.

ENGROSSED SENATE BILL NO. 792, having received the constitutional 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. 792 was ordered immediately transmitted to the House.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 762, by Committee on Social and Health Services: Providing for preplacement studies of prospective adoptive parents.

The bill was read the second time by sections.

On motion of Senator Atwood, the following amendment by Senators Andersen and Atwood was adopted:

On page 4, section 5, line 3, after "reduced." insert the following: "All fees charged pursuant to this section shall be reasonable and based on time spent conducting the study and preparing the report, and in addition, shall be subject to review by the court upon request."

On motion of Senator Odegaard, the rules were suspended, Substitute House Bill No. 762, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 762, 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 Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senator Connor-1.

Excused: Senators Clarke, Durkan-2.

SUBSTITUTE HOUSE BILL NO. 762, 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.

HOUSE BILL NO. 765, by Representatives Smythe, Haussler and Amen:

Providing for dates for county budget hearings.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, House Bill No. 765 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. 765, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senator Connor-1.

Excused: Senators Clarke, Durkan-2.

HOUSE BILL NO. 765, having received the 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. 770, by Senators Washington, Gardner and Ridder:

Establishing uniform relocation program for eminent domain takings.

## MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 770 was substituted for Senate Bill No. 770, 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, section 2, line 23, after "foregoing" strike all of the material to and including the word "assistance" in line 30.

Debate ensued.

The motion failed and the amendment was not adopted on a rising vote.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No.

770 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 770, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senators Atwood, Fleming, Whetzel—3.

Absent or not voting: Senator Matson—1.

Excused: Senators Clarke, Durkan—2.

SUBSTITUTE SENATE BILL NO. 770, having received the constitutional 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, Substitute House Bill No. 545 was ordered placed on the second reading calendar for Wednesday, May 5, 1971.

HOUSE BILL NO. 800, by Representatives Sawyer and Charette:

Providing for conversion of cooperative associations into corporations and for mergers between co-ops and corporations.

The bill was read the second time by sections.

On motion of Senator Dore, the rules were suspended, House Bill No. 800 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. 800, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Clarke, Durkan—2.

HOUSE BILL NO. 800, having received the 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. 267, by Senators Gardner, Metcalf, Ridder and Herr (by Joint Committee on Education request):

Preserving seniority of teachers transferring from private schools in state to state's common school system.

## REPORT OF STANDING COMMITTEE

March 23, 1971.

SENATE BILL NO. 267, preserving seniority of teachers transferring from private schools in state to state's common school system (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 8, after "shall retain" strike the remainder of the act and insert "up to a maximum of five years such seniority as to years of service as such employee had in the previous position. If the school district to which such employee transfers has a different system for computing such seniority as to years of service, the employee shall be granted the same seniority up to a maximum of five years as a person in that district who has similar occupational status and total years of service: PROVIDED, That nothing within this section shall preclude the board of directors of the school district from recognizing more than five years of previous service in a private school system."

On page 1, line 1 of the title after "certificated employee" strike "in the common schools" and insert "transferring from private to public school systems"

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Washington.

The bill was read the second time by sections.

On motion of Senator Metcalf, the committee amendment to page 1, section 1, line 8 was not adopted.

Senator Metcalf moved adoption of the following amendment:

On page 1, section 1, beginning with line 9 strike all the matter down to and including "service." on line 14 and insert "position on the salary schedule as if he had been in public school service."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Metcalf yield? As I understand this bill then, is not a part of your salary increment based on the theory that the laborer has faithfully served the master or the employer and so when a person has been with you for say three years or whatever time it is, they get an automatic increment? Is not that correct?"

Senator Metcalf: "I would hope that in the school system your increment is based on the fact that since you had taught for one or two or three years you were a better, more experienced teacher and did a better job. That is the concept I have always had, not a sort of payment for faithful service. Now I suppose it can be interpreted any way but I would interpret it the way I mentioned."

Senator Woodall: "Then what is the purpose of mandating the local school authority to say that if they wish to hire someone from a private school they are automatically mandated to pay them their first year with the new school district the same as if they were with them for the sixth year? What is the purpose of that?"

Senator Metcalf: "The problem today is that when a teacher with three years' experience in the private school transfers to a public school, he starts as if he were fresh out of college with no experience.

"This bill would authorize or require that he be paid for the third year on the salary schedule. Now the school district still does not have to hire him. You know, they do not have to hire him. But if they hire him they have to recognize, not his seniority but his steps on the salary schedule as though he were a public school teacher. That is the purpose of this bill."

Senator Woodall: "Then, will that not encourage school teachers to leave the private schools which are already having problems and have them move over where they are guaranteed an accelerated rate of employment?"

Senator Metcalf: "Senator Stender asked this same question and I think it might have that effect, encouraging teachers in private schools to leave, but it would also have the reverse effect, so it is a trade off. It would also have the effect of giving the teacher an incentive or allowing a teacher to teach in the private schools for two or three years and not be denied that. So I think there might be effects which might harm the private schools in getting people but it would also help them. I think on balance it would tend to help them."

## POINT OF INQUIRY

Senator Canfield: "Senator Metcalf, it would appear to me that if you would want a bill like this passed, we ought to have some data on the salary schedules of private schools as compared with public schools. Now I am no authority on private school salaries but my impression from what I do know is that they are substantially below the salaries paid in public schools. I am talking now about the elementary, I am not talking about MIT or Harvard."

Senator Metcalf: "I think you are correct."

Senator Canfield: "All right. So now if we would encourage the teachers in the private schools to come to the public schools and bring their seniority with them, would not we be

in effect perhaps doubling their salary when they make the transfer, or at least giving them a very substantial increase in salary, and I am just wondering why the public schools should have to pick up the tab for that kind of a transfer."

Senator Metcalf: "I think it would have the effect, if they moved into the public school, of perhaps in some cases a dramatic increase in salary, but this is up to the local school board. If they find a person who they think is of the quality necessary or of the quality that they want, and want to hire him at that salary schedule, then they can hire him. If they do not, and today there are many other applicants for the job, probably without experience, that they can get for a lower price."

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Metcalf yield further? Senator, is there anything to preclude a school board from offering a candidate the salary which they wish to offer? I do not believe their hands are tied by any salary schedule like you are referring to. If the school district wanted you to teach, couldn't they make you an offer?"

Senator Metcalf: "Mr. President and members of the Senate—Senator Ridder and others correct me if I am wrong, but I do not think they can make you an offer at all. I think you are right on the salary schedule. There is no bargaining there. I believe that they cannot."

Further debate ensued.

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

On motion of Senator Metcalf, the following amendment by Senators Metcalf and Ridder was adopted:

On page 1, section 2, line 15, add a new section 2 as follows:

"Sec. 2. Section 26, page 364, Laws of 1890 as last amended by section 27, chapter 283, Laws of 1969, 1st ex. sess. and RCW 28A.58.100 are each amended to read as follows: Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso.

(f) Accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of county and intermediate district superintendents and boards of education, to and from such districts and such offices;

(h) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service: PROVIDED, That any teacher or other certificated employee transferring from one school district to another may waive all

*but five years of his accumulated seniority, leave benefits and other benefits that he had in his previous position."*

On motion of Senator Metcalf, the committee amendment to the title was not adopted.

On motion of Senator Metcalf, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "28A.67 RCW" insert "; and amending section 26, page 364, Laws of 1890 as last amended by section 27, chapter 283, Laws of 1969, 1st ex. sess. and RCW 28A.58.100"

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 267 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. 267, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Washington, Whetzel, Wilson—40.

Voting nay: Senators Atwood, Canfield, Newschwander, Twigg, Walgren, Woodall—6.

Absent or not voting: Senators Mardesich, Matson—2.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 267, having received the 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 Ridder, Engrossed Senate Bill No. 267 was ordered immediately transmitted to the House.

On motion of Senator Bailey, Engrossed House Bill No. 372 was made a special order of business for 11:00 a.m., Wednesday, May 5, 1971.

### SECOND READING

ENGROSSED HOUSE BILL NO. 303, by Representatives Barden, Gallagher, Litchman, Polk, Randall, Backstrom and Hoggins (by Joint Committee on Governmental Cooperation request):

Providing for forest fire protection.

The bill was read the second time by sections.

On motion of Senator Lewis, the following amendment was adopted:

On page 4, following line 7 of the engrossed bill, being section 3 of the House Committee amendment, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 76.04 RCW a new section to read as follows:

No person shall dump mill waste from forest products or forest debris of any kind, in quantities that the department of natural resources declares to constitute a forest fire hazard, on or threatening forest lands located in this state, without first obtaining a written permit issued by the department of natural resources on such terms and conditions determined by the department pursuant to rules and regulations enacted to protect forest lands from fire. Said permit must be obtained in addition to any and all other permits required by law. Any person who dumps such mill waste, or forest debris without a required permit, or in violation of a permit shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not less than two hundred fifty dollars and not more than one thousand dollars, and may further be required to remove all materials dumped in violation of this act."

On motion of Senator Lewis, the rules were suspended, Engrossed House Bill No. 303, 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. 303, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Connor, Durkan, Mardesich, Twigg—4.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 303, 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.

ENGROSSED HOUSE BILL NO. 491, by Representatives Hoggins, Cunningham, Shera, Brouillet, Marsh, Mentor, Sawyer, Backstrom and Bauer (by Superintendent of Public Instruction request):

Mandating state board of education to implement, by rule or regulation, vocational education programs in school districts.

#### REPORT OF STANDING COMMITTEE

March 19, 1971.

ENGROSSED HOUSE BILL NO. 491, mandating state board of education to implement, by rule or regulation, vocational education programs in school districts (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, after "[curriculum]" on line 10 and before the period on line 11, strike all the underlined material and insert "*in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 and RCW 28B.50.770.*"

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Henry, Holman, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

On motion of Senator Wilson, the following amendment by Senators Wilson and Odegaard was adopted:

On page 1, section 1, line 11, add a new section to read as follows:

"Sec. 2. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 283, Laws of 1969 ex. sess. and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral [points] votes accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes [and the electoral points accruing therefrom] not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director [shall be accorded as many electoral points as] where there are up to and including one thousand enrolled students in that director's school district [as] shall be counted as one electoral vote; each vote cast by a school director where there are at least one thousand one and not more than five thousand enrolled students in that directors' school district shall be counted as three electoral votes; each vote cast by a school director where there are at least

five thousand and one enrolled students in that directors' school district shall be counted as six electoral votes; the number of enrolled students in a directors' school district shall be determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election [; PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five]; the electoral [points] votes shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral [points] votes which determines the winning candidate. If no candidate receives a majority of the possible electoral [points] votes, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral [points] votes accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral [points] votes accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education."

Senator Ridder moved adoption of the following amendment:

On page 1, section 1, line 11 add two new sections as follows:

"NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW a new section to read as follows:

It is the purpose of section 3 of this act to provide for uniform definitions of certain terms commonly used in vocational education in order to facilitate ongoing studies and add clarity to the future development of reporting and accounting procedures in this area of education. It will also improve coordination of services of vocational education being delivered by different agencies.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW a new section to read as follows:

For the purposes of Title 28A RCW:

(1) The term "vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.

(2) The term "occupational exploration" shall include prevocational education. The term "occupational exploration" shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(3) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

(4) The term "job market area" shall mean the geographic area or recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement."

Debate ensued.

## MOTION

On motion of Senator Andersen, Engrossed House Bill No. 491 and the pending amendment by Senator Ridder was made a special order of business immediately following consideration of Engrossed House Bill No. 372, a special order of business at 11:00 a.m., Wednesday, May 5, 1971.

## SECOND READING

SENATE BILL NO. 256, by Senators Stender, Connor and Fleming (by Insurance Commissioner request):

Restricting use of abstracts of driving experience for insurance purposes.

## REPORT OF STANDING COMMITTEE

April 22, 1971.

SENATE BILL NO. 256, restricting use of abstracts of driving experience for insurance purposes (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 17, after "shall" strike all of the material down to and including "to such" on line 20 and insert "use any information contained in the abstract relative to any"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Gardner, Keefe, Knoblauch, Newschwander, Stortini, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Stender, the committee amendment was adopted.

On motion of Senator Stender, the rules were suspended, Engrossed Senate Bill No. 256 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. 256, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Andersen, Fleming, McCutcheon, Mardesich—4.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 307, by Representatives Flanagan, Kiskaddon, Brouillet and Luders:

Extending two-mill shift for schools.

The bill was read the second time by sections.

Senator Durkan moved adoption of the following amendment:

On page 1, section 1, line 14 after "twenty-two" and before "mills" insert "and one-quarter"

On page 1, section 1, after "and" in line 16 insert "[twenty-one mills on the dollar of assessed valuation with respect to levies made]"

## POINT OF INQUIRY

Senator Elicker: "Would Senator Durkan yield? Would this apply to school districts?"

Senator Durkan: "Yes, it would."

Senator Elicker: "Is not it true that under our formula that actually they are paying for something they are not getting? In other words, the increases due to revaluation do not really affect the school district because of the apportionment formula being deducted from the 365. . . ."

Senator Durkan: "That is not correct. I mean the schools benefit by the increased valuation on the levy."

Senator Elicker: "On special levy?"

Senator Durkan: "Yes."

Senator Elicker: "But under the regular. . . ."

Senator Durkan: "No, that is correct. But they do benefit and they benefit on their special levies, of which is the majority of the tax bills now."

## POINT OF INQUIRY

Senator Peterson (Ted): "Will Senator Durkan yield? In other words, Senator, this takes care of the additional moneys and gives you how much over?"



Senator Durkan: "About two million. But it permits the revaluation to go forward; rather than the state paying for local revaluation, we are saying to the local taxing district, 'You are going to be required to pay for it yourself.'"

#### POINT OF INQUIRY

Senator Guess: "Will Senator Durkan yield? Senator, in addition to two million dollars, how much more is it going to raise?"

Senator Durkan: "Senator, the total amount that it will raise is about \$8.3 million and that will pay for the revaluation program which is about \$4.9 million, plus there will be about \$2.6 million additional amount that is available to the state government out of the one-quarter levy. There is an amendment that provides that in the event House Joint Resolution No. 30 passes, which is a study of the entire taxing program in the state of Washington, that amount that is raised by this special levy, one hundred and fifty thousand dollars so much thereof can be used for that study."

Senator Guess: "Senator Durkan, does this have a terminal date?"

Senator Durkan: "It does have because Initiative No. 44 will terminate it for us. There will not be any problem about it, when Initiative No. 44 takes place, it will cut it off immediately."

#### POINT OF INQUIRY

Senator Wilson: "Will Senator Durkan yield? What would be the effect on a county which is not participating in the state revaluation program but is doing it with its own assessor's staff, and secondly on a county which has completed its state revaluation program?"

Senator Durkan: "First, it would be a state-wide assessment so they would have to pay. The question of getting it back to them on the basis of the revaluation law which is already on the books, it would be difficult. But you want to remember that those who have finished, used state funds to pay for that."

#### POINT OF INQUIRY

Senator Holman: "Mr. President, I support this amendment and I think it should be borne in mind that the department of revenue had a bill in here which we considered for quite a while in the committee on revenue and taxation and also in the ways and means committee, 587, which was designed to raise the money for the county by in effect prorating the costs of assessment functions. I assume, this is a question of Senator Durkan. With this amendment we can assist the counties in getting this under way and finished and we would not need to use that 587. Is that correct?"

Senator Durkan: "That is exactly the purpose of this amendment, Senator Holman."

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

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

On page 2, section 1, line 12, after "four" and before "mills" insert "*and one-quarter*"

On page 2, section 1, line 13, after "state" and before "and of" insert "*and of which one-quarter of a mill shall be used exclusively for support of a program of revaluation of property for purposes of taxation and for support of legislative investigations of the property tax,*"

On page 3, section 2, line 15, after "state" and before "adjusted" insert "*and in 1971 and 1972 the state shall levy for collection in 1972 and 1973 respectively for the support of the program of revaluation of property pursuant to chapter 84.41 RCW as now or hereafter amended, and for legislative investigations related to the property tax, a tax of one-quarter of one mill*"

On motion of Senator Atwood, the following amendment was adopted:

On page 3, line 21, insert a new section as follows:

"Sec. 3. Section 28A.48.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.48.110 are each amended to read as follows:

In each calendar year in which the state shall collect a property tax for the support of common schools, the superintendent of public instruction shall distribute the proceeds of such tax to each school district of the state operating a program approved by the state board of education, in the manner provided in this section.

Except as hereinafter provided, the amount to be distributed to each school district in each year shall be a fraction of the total amount available for distribution, the numerator of which fraction shall be the assessed valuation of all taxable property in such school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue, and the denominator of which fraction shall be the aggregate valuation of taxable property in all school districts entitled to a distribution under this section adjusted as to the property in each such district to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue: PROVIDED, That each nonhigh school district shall receive only three-fifths of the amount

otherwise distributable to a school district as provided above and the remaining two-fifths of such amount shall be distributed to the high school district fund of the county in which the nonhigh school district is located.

The superintendent of public instruction shall make the distribution of funds authorized in this section on or before the tenth day of each month by prorating the funds available on such distribution dates to the school districts entitled thereto: *PROVIDED, That funds otherwise distributed in the month of June of each odd-numbered year shall not be distributed until the tenth day of July of such year and shall be accounted for by the state as expenditures for the ensuing fiscal biennium.*"

Renumber the remaining section consecutively.

On motion of Senator Atwood, the following amendment to the title was adopted:

On page 1, in line 1 of the title after "taxation;" and before "amending" insert "amending section 28A.48.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.48.110;"

On motion of Senator Atwood, 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.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 307, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Donohue, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel—34.

Voting nay: Senators Day, Dore, Elicker, Huntley, Odegaard, Talley, Twigg, Wilson, Woodall—9.

Absent or not voting: Senators Connor, Durkan, McCutcheon, Newschwander, Stender—5.

Excused: Senator Clarke—1.

HOUSE BILL NO. 307, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Bailey, Engrossed House Joint Resolution No. 47 was ordered to hold its place on the second reading calendar for Wednesday, May 5, 1971.

#### THIRD READING

ENGROSSED HOUSE BILL NO. 244, by Representatives Julin, Bottiger, Wolf and Curtis:

Making larceny by check constitute grand larceny.

#### MOTION

Senator Andersen moved that Engrossed House Bill No. 244 be referred to the Judiciary Committee.

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Walgren yield? Senator, I know of your great and lengthy experience in this area and I feel that you are eminently qualified to comment on this bad check bill and I wonder if you would comment about the operation of the bill as you understand it and how it would work and comment briefly perhaps on Senator Andersen's remarks, if you would."

Senator Walgren: "First let me say that I am not quite as experienced as Senator Andersen is, having come from a larger city where they do a lot more of this type of thing than they do from the very small community from whence I come. But as I understand the law on the twenty-five dollar checks, for instance, there was a question of whether or not there were three twenty-five dollar checks written in three different counties, who had jurisdiction. My conclusion is that each county has jurisdiction over this particular check for a grand larceny charge. I think that is what you were referring to, Senator Lewis. Each county would have jurisdiction."

The motion by Senator Andersen carried and Engrossed House Bill No. 244 was referred to the Judiciary Committee.

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

## SECOND READING

HOUSE BILL NO. 106, by Representatives Zimmerman, Thompson, North, Hurley and Ceccarelli (by departmental request):

Protecting endangered species of fish and wildlife.

The bill was read the second time by sections.

Senator Elicker moved adoption of the following amendment:

On page 3, line 12, add the following:

"NEW SECTION. Sec. 5. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or any rule or regulation of the commission "managed marine mammals" shall include all mammals of the order cetacea and the suborder pinnipedia including but not limited to whales, porpoises, dolphins, seals and sea lions.

NEW SECTION. Sec. 6. There is added to chapter 77.12 RCW a new section to read as follows:

The commission shall from time to time, adopt, promulgate, amend, or repeal, and enforce reasonable rules and regulations governing the time, place, and manner or prohibiting the capture or taking of managed marine mammals, the quantities, species, sex and size that may be captured or taken, and the transportation, sale, and confinement of managed marine mammals.

The commission may, acting through the director, issue permits for the taking or capture of managed marine mammals for scientific research, display, or propagation purposes: PROVIDED, That a managed marine mammal may be taken without permit when it constitutes a threat to human life or is causing substantial damage to private property.

NEW SECTION. Sec. 7. There is added to chapter 77.32 RCW a new section to read as follows:

It shall be unlawful for any person to attempt to capture or to capture killer whales, *Orcinus orca*, without first having procured from the commission a permit to be known as a killer whale permit. The fee for retaining a killer whale shall be one thousand dollars for each such whale: PROVIDED, That the commission may waive the permit for any organization capturing a killer whale for scientific purposes and not for profit. Said fees shall be credited to the general fund."

Debate ensued.

The motion carried and the amendment was adopted.

On motion of Senator Elicker, the following amendment to the title was adopted:

On page 1, line 4 of the title, after "77.08 RCW" insert "adding a new section to 77.12 RCW;" and on line 5 after "77.16 RCW;" insert "adding a new section to 77.32 RCW;"

On motion of Senator Elicker, the rules were suspended, House Bill No. 106, 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. 106, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senator Bailey—1.  
 Absent or not voting: Senator McCutcheon—1.  
 Excused: Senator Clarke—1.

HOUSE BILL NO. 106, 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.

ENGROSSED HOUSE BILL NO. 125, by Representatives Shera, McCormick, Conway and Litchman (by Public Pension Commission request):

Providing for increased pension benefits for certain retired employees of institutions of higher education.

The bill was read the second time by sections.

On motion of Senator Huntley, the rules were suspended, Engrossed House Bill No. 125 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. 125, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel—44.

Voting nay: Senators Wilson, Woodall—2.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 125, having received the 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 HOUSE BILL NO. 305, by Representatives Ceccarelli, Lynch, Bagnariol, Maxie, Farr, Bottiger, Backstrom, Chatalas, Conway, Cunningham, Hoggins, Merrill and Randall:

Amending the law relating to child abuse.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 305 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. 305, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 305, having received the 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 HOUSE BILL NO. 357, by Representatives Gallagher, Beck and Hatfield:

Amending certain parts of the White Cane Law.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 357 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. 357, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Clarke—1.

ENGROSSED 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.

SENATE BILL NO. 93, by Senators Dore, Holman, Stortini and Odegaard:

Establishing the Washington commission for the blind.

#### MOTION

On motion of Senator Dore, Substitute Senate Bill No. 93 was substituted for Senate Bill No. 93 and the substitute bill was placed on second reading and read the second time in full.

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

On page 2, section 3, line 21 after "74.16.040" and before the period insert " , except as they may be related to the state school for the blind"

On page 2, section 3, line 24 after "blind" and before the period insert "except those funds allocated for the state school for the blind"

On page 2, section 3, beginning on line 25, strike all of subsection (3)

On page 3, section 6, line 17 after "the blind," strike "and of the state school for the blind"

On motion of Senator Dore, the rules were suspended, Engrossed Substitute Senate Bill No. 93 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. 93, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wetzell, Wilson, Woodall—43.

Voting nay: Senators Atwood, Foley, Gissberg, Lewis—4.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Clarke—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 93, having received the constitutional 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 Andersen moved that the Senate do immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 93 passed the Senate.

The motion carried.

#### MOTIONS

On motion of Senator Andersen, reconsideration of the vote by which Engrossed Substitute Senate Bill No. 93 passed the Senate was ordered placed on the third reading calendar for Wednesday, May 5, 1971.

On motion of Senator Guess, House Bill No. 364 was ordered to hold its place on the second reading calendar for Wednesday, May 5, 1971.

#### SECOND READING

SENATE BILL NO. 622, by Senator Walgren:  
Relating to unemployment.

#### REPORT OF STANDING COMMITTEE

March 26, 1971.

SENATE BILL NO. 622, relating to unemployment (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, following the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 19, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.323 are each amended to read as follows:

(1) Any payments which an individual has claimed, is receiving or has received under a government and/or a private retirement pension plan to which a base year employer has contributed on behalf of such individual, shall be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will old age and survivors insurance benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount: AND PROVIDED FURTHER, That retirement pensions which are based in full on wage credits earned prior to the base year, and which have been applied for and approved, shall not be deemed remuneration for the purposes of this title.

(2) Payments claimed or received under a government and/or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year earnings of the individual /

(3) In the event a retroactive retirement or pension payment covers a period in which an individual received benefits under the provisions of this title, the excess paid over the amount to which he would have been entitled had such retirement or pension payment been considered, as provided in subsection (1) above, shall be recoverable under RCW 50.20.190: PROVIDED, HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED FURTHER, That no payments received on account of temporary or

permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services."

On page 1, line 1 of the title after "compensation" and before the period insert "and amending section 19, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.323"

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder, Stender.

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. 622 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. 622, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel—35.

Voting nay: Senators Andersen, Canfield, Dore, Guess, Huntley, Matson, Odegaard, Wilson, Woodall—9.

Absent or not voting: Senators Connor, Durkan, Lewis, McCutcheon—4.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 622, having received the constitutional 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 McDougall moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 622 passed the Senate.

#### POINT OF INQUIRY

Senator McDougall: "Would Senator Walgren yield? Could you perhaps give us a little more detailed explanation of what this bill does now?"

Senator Walgren: "I am not sure that I can in any great detail. This is a matter that was brought to my attention by one of the persons who had been employed at the Bremerton naval shipyard and it is a problem that apparently prevails whenever a person who has been a veteran has gone to work then for another federal agency such as the naval shipyard and then there has been a RIF and he applies for unemployment compensation. Apparently under the rules and regulations as they have been set down and interpreted by the employment security department, there is a problem with a veteran who has served previous to this time so that he is denied certain benefits that he would get by virtue of unemployment compensation under the state. It puts him in a class different from the rest of the persons, citizens of the state, and he comes out with less money by virtue of his former federal service in the military.

"In my situation, in my district, this problem applies to a number of people. I think I have had probably a hundred and fifty letters from people with the same situation. What this measure does, and I cannot explain it technically, it puts them on a parity with the rest of the people in this state."

Further debate ensued.

#### POINT OF INQUIRY

Senator Canfield: "Will Senator Walgren yield? Senator, this by the title of the bill as introduced was relating to unemployment compensation and then the amendment refers to a retirement pension deal, and that is the thing that is kind of confusing. My question is, did

things go to the pension committee? I thought we had a pension committee to handle these things."

Senator Walgren: "I think it primarily applies to unemployment compensation. At least that was my intent when I had the amendment prepared and the amendment was prepared by the employment security department."

Senator Canfield: "The underlined material refers to retirement pensions."

Senator Bailey: "Maybe I could answer that and Senator McDougall's question. Last year when we were in the Governor's office working out the unemployment compensation bill, you remember that when you retired you drew fifty-two weeks of unemployment compensation. Labor at that time offered to eliminate that part. The Governor came back and offered a different proposal and that was when you retire, you would be allowed to draw the difference between what you would have in unemployment compensation and what you were drawing on retirement. In other words, if your retirement benefit was not equal to unemployment compensation, you could draw the difference. This was a concession they made in the writing of the bill, and it was our general idea that we would take care of service pensions too as they came out, because most veterans of that type have always been under unemployment compensation under the old law."

"When the bill came out, we got so entangled on other things that there was absolutely no allowance for people retiring. Now this is where this bill comes in, Senator Canfield. People retiring from federal service had no allowance for unemployment compensation which they had always had before. Senator Walgren here is trying to put them on the same basis as any other citizen retiring. They would get the difference between their retirement and that which would be coming to them under unemployment compensation. Now if they are making more retirement than they would get unemployment compensation, I trust they would not get any unemployment compensation, but this puts them on a par with a civilian or any other worker in the state."

The motion for reconsideration by Senator McDougall carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 622, and the bill passed the Senate on reconsideration by the following vote: Yeas, 40; nays, 3; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—40.

Voting nay: Senators Guess, Odegaard, Wilson—3.

Absent or not voting: Senators Connor, Dore, Durkan, Foley, McCutcheon—5.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 622, having received the constitutional 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 Matson, Engrossed House Bill No. 394 was ordered to hold its place on the second reading calendar for Wednesday, May 5, 1971.

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

#### SECOND READING

HOUSE BILL NO. 397, by Representatives Spanton, Beck, Cunningham and Bauer (by departmental request):

Authorizing highway district engineers to award small construction and maintenance contracts.

The bill was read the second time by sections.

On motion of Senator Huntley, the rules were suspended, House Bill No. 397 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. 397, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Dore, Durkan, Francis, McCutcheon—5.

Excused: Senator Clarke—1.

HOUSE BILL NO. 397, having received the 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 HOUSE BILL NO. 411, by Representatives Kopet, Chatalas and Farr (by departmental request):

Increasing fees payable to state pharmacy board.

## REPORT OF STANDING COMMITTEE

April 19, 1971.

ENGROSSED HOUSE BILL NO. 411, increasing fees payable to state pharmacy board (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

On page 8, after section 7 on line 11 insert a new section to read as follows:

“Sec. 8. Section 3, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of three members, to be appointed by the governor by and with the advice and consent of the senate.

Each member shall be a citizen of the United States and a resident of this state [, and]. At the time of [his] *their* appointment, *two members* shall have been [a] duly registered pharmacists under the laws of this state for a period of at least five consecutive years immediately preceding [his] *the* appointment and shall at all times during [his] *their* incumbency continue to be [a] duly licensed pharmacists. *The third member shall serve as a consumer representative and shall not be a duly registered pharmacist. This section shall not affect the present members of the board but the next vacancy to be filled shall be filled by the consumer representative.*

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.”

Remember the remaining sections accordingly.

In lines 1 and 2 of the title strike everything after “Relating to” in line 1 and before “amending” on line 2 and insert: “the Washington state board of pharmacy; amending section 3, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001.”

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Greive, Holman, Odegaard, Woodall.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 8 was not adopted.

Senator Day moved adoption of the following amendment:

On page 8, line 12, insert the following new sections:

“Sec. 8. Section 3, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of [three] *four* members, to be appointed by the governor by and with the advice and consent of the senate. *Three of the members shall be designated as pharmacist members and one of the members shall be designated a public member.*

Each *pharmacist* member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist.

*The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, and shall not be affiliated with any aspect of pharmacy, and shall be a consumer representative.*

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the [terms] term of office of not more than [two members] one member will expire simultaneously on the third Monday in January of each year.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 9. Section 3, chapter 98, Laws of 1935 as amended by section 18, chapter 38, Laws of 1963 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy, and administer all laws placed under its jurisdiction;

(2) Prepare, grade and administer or determine the nature of and supervise the grading and administration of examinations for applicants for pharmacists' licenses: *PROVIDED, That this power and duty shall be limited to the three pharmacist members of the board;*

(3) Examine, inspect and investigate all applicants for registration as pharmacists or pharmacy interns and to grant certificates of registration to all applicants whom it shall judge to be properly qualified: *PROVIDED, That this power and duty shall be limited to the three pharmacist members of the board;*

(4) Employ an executive officer, inspectors, chemists and other agents to assist it for any purpose which it may deem necessary;

(5) Investigate violations of the provisions of law or regulations under its jurisdiction, and to cause prosecutions to be instituted in the courts upon advice from the attorney general;

(6) Make inspections of all pharmacies and other places including dispensing machines in which drugs or devices are stored, held, compounded, dispensed or sold to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded or stored, held, dispensed, distributed or compounded in violation or contrary to law;

(7) Have the power to conduct hearings for the revocation or suspension of licenses, permits or registrations and/or to appoint a hearing officer to conduct such hearings;

(8) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, narcotics, and practice of pharmacy;

(9) Regulate the distribution of drugs, nostrums, and the practice of pharmacy for the protection and promotion of the public health, safety and welfare by promulgating rules and regulations. Violation of any such rules shall constitute grounds for refusal, suspension or revocation of licenses to practice pharmacy."

Renumber the remaining sections consecutively.

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Day yield? Senator, you said this was an agreed upon amendment. Who agreed upon it?"

Senator Day: "Labor was pushing for a lay member and of course the pharmacy representative was resisting and he said that this would be much more agreeable than the committee amendment so we backed off from the committee amendment."

The motion carried and the amendment was adopted.

On motion of Senator Day, the committee amendment to the title was withdrawn.

On motion of Senator Day, the following amendment to the title was adopted:

On page 1, line 2 of the title after "pharmacy;" and before "amending" insert "amending section 3, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001; amending section 3, chapter 98, Laws of 1935 as amended by section 18, chapter 38, Laws of 1963 and RCW 18.64.005;"

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 411, 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. 411, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson—32.

Voting nay: Senators Andersen, Atwood, Huntley, McDougall, Matson, Metcalf, Newschwander, Twigg, Whetzel, Woodall—10.

Absent or not voting: Senators Dore, Durkan, Elicker, Gardner, Lewis, McCutcheon—6.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 411, 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.

ENGROSSED HOUSE BILL NO. 414, by Representatives Paris, McDermott, Zimmerman and Charette (by Joint Committee on Governmental Cooperation and departmental request):

Placing children in agencies according to interstate compact.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 414 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. 414, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Dore, Durkan, Gardner, Lewis, McCutcheon—5.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 414, having received the 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 HOUSE BILL NO. 642, by Representatives Pardini, Bagnariol and Shera:

Implementing law relating to mutual savings banks.

## REPORT OF STANDING COMMITTEE

May 1, 1971.

ENGROSSED HOUSE BILL NO. 642, implementing law relating to savings banks (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, section 7, beginning on line 28 of the printed and engrossed bill, strike all of section 7.

Renumber the remaining sections accordingly.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Mardesich the committee amendment was not adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 642 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. 642, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—42.

Voting nay: Senators Henry, Wilson—2.

Absent or not voting: Senators Dore, Durkan, Huntley, McCutcheon—4.

Excused: Senator Clarke—1.

ENGROSSED HOUSE BILL NO. 642, having received the constitutional 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 7:00 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Wednesday, May 5, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Wednesday, May 5, 1971.

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 McCutcheon and Newschwander. On motion of Senator Bailey, Senator McCutcheon was excused. On motion of Senator McDougall, Senator Newschwander was excused.

The Color Guard, consisting of Pages David Millard, Color Bearer, and Phyllis Harris, presented the Colors. Pastor Glen D. Cole of the First Assembly of God Church of Olympia, offered prayer as follows:

“The words of a great hymn come to mind this morning, Father, as we stand together in this legislative hall. . . ‘What a friend we have in Jesus, all our sins and griefs to bear; what a privilege to carry everything to God in prayer. Oh what peace we often forfeit, Oh what needless pain we bear; all because we do not carry, everything to God in prayer’. We bring to You the needs of these men, the vital decisions that must be made in the next few days that will effect our State; we carry everything to You in prayer right now believing that You are a GIVING GOD. Give wisdom, give understanding, give direction. . . may Your will be done on earth as it is in heaven. THANK YOU! In Jesus’ Name. Amen.”

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

## REPORTS OF STANDING COMMITTEES

May 4, 1971.

SENATE BILL NO. 409, pertaining to excise taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 409 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Atwood, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Holman, Jolly, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

SENATE BILL NO. 478, implementing law relating to insurance and rates thereon (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gissberg, Keefe, Knoblauch, Peterson (Lowell), Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

SENATE BILL NO. 664, authorizing the utilities and transportation commission to prescribe commercial zones and terminal areas (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Dore, Fleming, Gardner, Gissberg, Huntley, Keefe, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

SENATE BILL NO. 809, pertaining to the judiciary (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with Judiciary Committee Amendment as amended.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Donohue, Dore, Foley, Francis, Gissberg, Herr, Holman, Huntley, Jolly, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Twigg, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

HOUSE BILL NO. 115, regulating persons holding agents' licenses issued by the Washington State liquor control board and who represent holders of certificates of approval (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Foley, Gardner, Huntley, Keefe, Knoblauch, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 163, requiring unloaded school buses to stop at railroad crossings (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 3, 1971.

ENGROSSED HOUSE BILL NO. 175, providing for grand juries and criminal investigations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

April 30, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, placing a time limit on recalls (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Dore, Holman, Keefe, Mardesich.

Passed to Committee on Rules and Joint Rules for second reading.

April 27, 1971.

ENGROSSED SENATE BILL NO. 227, providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Holman, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 291, relating to gambling (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED HOUSE BILL NO. 335, delineating state agency authority over private schools (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; McCutcheon, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED HOUSE BILL NO. 344, implementing law relating to urban, racial and disadvantaged education programs and programmed budget requests (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, authorizing advisory committees for the department of social and health services (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 538, providing for a change in the right of action against a contractor for injury or death (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Bailey, Ridder, Stender.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 581, providing for revisions in insurance law (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Keefe, Knoblauch, Peterson (Lowell), Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 655, providing measures to prevent and control polluting caused by the discharge of oil (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Elicker, Francis, Holman, Keefe, Odegaard.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 813, requiring prequalification of electrical contractors doing business with electrical utilities (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gardner, Keefe, Knoblauch, Peterson (Lowell), Stortini, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED HOUSE BILL NO. 863, defining school day for common school purposes (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 869, providing for licensing of hotels and motels (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Cooney, Day, Dore, Fleming, Foley, Gardner, Keefe, Peterson (Lowell), Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 876, pertaining to the licensing of intoxicating liquor for consumption at certain places (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Andersen, Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Peterson (Lowell), Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

REENGROSSED HOUSE JOINT RESOLUTION NO. 1, providing for periodic review of tax exemptions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Bailey, Cooney, Day, Donohue, Foley, Guess, Herr, Holman, Huntley, Lewis, Mardesich, Metcalf, Newschwander, Peterson (Lowell), Sandison, Talley, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, authorizing a study relating to community schools (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

#### GUBERNATORIAL APPOINTMENT

April 27, 1971.

WALTER C. HOWE, JR., to the position of director of the Office of Program Planning and Fiscal Management, appointed by the Governor on August 11, 1969, for the term ending at the Governor's pleasure (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Durkan, Chairman; Atwood, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Holman, Jolly, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Washington, Wilson.

Passed to Committee on Rules and Joint Rules.

#### MESSAGE FROM THE GOVERNOR

Office of the Governor, May 4, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 4 Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 514: Enacting the uniform criminal extradition act.

Sincerely,

CHARLES B. WIGGINS

Legislative Counsel to the Governor.

#### MESSAGES FROM THE HOUSE

May 4, 1971.

Mr. President: The House has granted the request of the Senate for a conference on HOUSE BILL NO. 200 and the Senate amendment thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Cunningham, Martinis and Paris.

MALCOLM McBEATH, Chief Clerk.



May 4, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 53,  
 HOUSE BILL NO. 133,  
 HOUSE BILL NO. 222,  
 SUBSTITUTE HOUSE BILL NO. 379,  
 SUBSTITUTE HOUSE BILL NO. 562,  
 HOUSE BILL NO. 575,  
 HOUSE BILL NO. 1060,  
 HOUSE CONCURRENT RESOLUTION NO. 7,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 4, 1971.

Mr. President: The Speaker has signed:  
 SENATE BILL NO. 71,  
 SENATE BILL NO. 91,  
 SENATE BILL NO. 153,  
 SENATE BILL NO. 257,  
 SENATE BILL NO. 262,  
 SENATE BILL NO. 277,  
 SENATE BILL NO. 567,  
 SENATE BILL NO. 579,  
 SENATE BILL NO. 619,  
 SENATE BILL NO. 626,  
 SENATE BILL NO. 635,  
 SENATE BILL NO. 648,  
 SENATE BILL NO. 710,  
 SENATE BILL NO. 862,  
 SENATE JOINT MEMORIAL NO. 15,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 31, by Senators Peterson (Lowell), Peterson (Ted) and Metcalf:

Creating the interim committee on fisheries, game and game fish.

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 31 was advanced to second reading and read the second time in full.

On motion of Senator Peterson (Lowell), the rules were suspended, Senate Concurrent Resolution No. 31 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### MOTION

On motion of Senator Atwood, Senate Concurrent Resolution No. 31 was ordered held on the third reading calendar for this afternoon.

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

#### SENATE RESOLUTION: 1971-EX-66

By Senators Ridder and Knoblauch:

WHEREAS, This session of the Legislature has seen legislation offered in the field of consumer protection relating to unit pricing; and

WHEREAS, There appears to be uncertainty in both the methods and possible effects of unit pricing, both as it affects the retailer and the ultimate consumer; and

WHEREAS, Conflicting reports from purportedly knowledgeable consumer protection experts have elicited little but confusion in the legislative hearings related to unit pricing; and

WHEREAS, The Legislature earnestly desires to aid the state's consumers in any possible way upon receipt of reliable, uncontroverted and unbiased information;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Commerce, Industry, Trades and Professions Committee of the Legislative Council is requested to undertake a comprehensive investigation and study of unit pricing, giving particular attention to the laws presently in effect affected thereby and the economic impact upon retailers within the state, whether independent or otherwise;

AND BE IT FURTHER RESOLVED, That such Committee, upon undertaking such

study, shall submit any reports, recommendations or proposed drafts of legislation on or before the next regular session of the Legislature to those members of both Houses having a particular interest therein.

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

SENATE RESOLUTION: 1971-EX-67

By Senators Day, Durkan and Peterson (Ted):

WHEREAS, The present pattern and increase of noise emission caused by the uncontrolled operation of man's machine is adversely affecting the health, safety, and welfare of the people; and

WHEREAS, There is evidence that such noisesome nuisance is destroying property values, decreasing productivity of workers, and exposing large sectors of the population to unacceptable and uninvited noise; and

WHEREAS, There is a right of the people to be free from such excessive and unnecessary noise as affects their health, increases tension, causes anxiety and even contributes to deafness, if the decibel level reaches the critical level;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council, through its Committee on Public Assistance and Public Health, with the assistance of the Department of Ecology, is requested to undertake a study of the entire problem of environmental noise pollution in the state of Washington. Such study shall investigate, but shall not be limited to, noise emitted from traffic, industry, and construction.

BE IT FURTHER RESOLVED, That any recommendations for appropriate legislative action to deal with the problem of environmental noise pollution within the state, and the results of the study shall be submitted to the next regular session of the Legislature.

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

SENATE RESOLUTION: 1971-EX-69

By Senator Bailey:

WHEREAS, Schools and school districts of this state have been experiencing difficulty in obtaining adequate insurance coverage; and

WHEREAS, Insurance policies offered to the schools and school districts have become less liberal, both in benefits and costs; and

WHEREAS, Insurance rates have increased from twenty to one hundred-fifty percent and discounts are no longer available; and

WHEREAS, The deductibles have increased from \$1,000 to as much as \$50,000; and

WHEREAS, The market has become restrictive as to availability and as to underwriting requirements; and

WHEREAS, Many schools and school districts have been financially unable to install protective devices, modernize buildings, or employ guards;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Joint Committee on Education, with the advice and cooperation of the state insurance commissioner, be and is hereby requested to conduct an investigation and study for the purpose of recommending possible solutions and alternative plans in order to supply needed coverage at reasonable rates; and

BE IT FURTHER RESOLVED, That the Joint Committee on Education shall report its findings and the results of its study together with its recommendations to the Governor and to the Legislature prior to January 1, 1972.

SECOND READING

HOUSE BILL NO. 364, by Representatives Gladder, Copeland, Kopet and Grant (by Secretary of State request):

Implementing law relating to candidates and voters' pamphlets.

REPORT OF STANDING COMMITTEE

March 26, 1971.

HOUSE BILL NO. 364, implementing law relating to candidates and voters' pamphlets (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 12 strike section 8 and renumber remaining section consecutively.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Holman, Matson, Metcalf, Stender, Washington.

The bill was read the second time by sections.

On motion of Senator Wilson, the committee amendment was adopted.

On motion of Senator Wilson, the following amendment was adopted:

On page 1, section 1, line 8, beginning with "Section 1." strike all material down to and including "office." on page 2, line 5, and insert the following:

"Section 1. Section 29.80.020, chapter 9, Laws of 1965 as amended by section 78, chapter 81, Laws of 1971 and RCW 29.80.020 are each amended to read as follows:

*At a time to be determined by the secretary of state but in any event, not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, and judge of the superior court may file with the secretary of state a [typewritten] written statement advocating his candidacy [not to exceed three hundred fifty words per printed page] accompanied by a photograph not more than five years old and of a size and quality which the secretary of state determines suitable for reproduction in the voters' pamphlet. The maximum number of words for such statements shall be determined according to the offices sought as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; United States senator, United States representative and governor, three hundred words. No such statement or photograph shall be [filed by] printed in the candidates' pamphlet for any person who is the sole nominee for any nonpartisan or judicial office."*

On motion of Senator Wilson, the following amendment to the title was adopted:

On line 2 of the title, after "29.80.020," strike all material down to and including "29.80.020," on line 4 and insert the following: "chapter 9, Laws of 1965 as amended by section 78, chapter 81, Laws of 1971; amending sections 29.80.040, 29.80.050, 29.81.040, 29.81.100, 29.81.120 and 29.81.140, chapter 9, Laws of 1965 and RCW"

On motion of Senator Wilson, the rules were suspended, House Bill No. 364, 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. 364, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keeffe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Absent or not voting: Senator Dore-1.

HOUSE BILL NO. 364, 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, Engrossed House Bill No. 11 was referred to the Committee on Rules and Joint Rules.

On motion of Senator Holman, Engrossed House Joint Resolution No. 47 was ordered placed on the second reading calendar for today immediately following consideration of Engrossed Substitute Senate Bill No. 93 on third reading.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 545, by Committee on State Government:  
Providing for management surveys by legislative budget committee.

## REPORT OF STANDING COMMITTEE

March 24, 1971.

SUBSTITUTE HOUSE BILL NO. 545, providing for management surveys by legislative budget committee (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 3, line 6, after "section" and before "of" strike "2" and insert "3"

On page 6, section 4, line 21, strike "[i]" and insert "(i)"

On page 6, section 4, strike lines 24 through 27 and insert the following:

"(ii) Such plans as he deems expedient for the support of the state's credit, for lessening expenditures, and for an improved level of fiscal management."

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Newschwander.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment to page 3 was adopted.

On motion of Senator Atwood, the committee amendment to page 6, section 4, line 21 was adopted.

On motion of Senator Atwood, the committee amendment to page 6, section 4, striking lines 24 through 27 was not adopted.

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

On page 6, line 23, after "state" insert "*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 section 3 of this act*"

## POINT OF INQUIRY

Senator Bailey: "Will Senator Mardesich yield? Senator Mardesich, I had to be off the floor for a minute and I want to ask you a question about the intent of your amendment to the State Auditor's audit right. Do you infer here that he has no powers of state audit, rather than post audit?"

Senator Mardesich: "Well, I do not think that is the inference of that at all. No, it is that he should not perform performance audits."

Senator Bailey: "Is it your intent that he continue then to perform audits in all manners and except performance audits, that he check on the spending of public moneys?"

Senator Mardesich: "That is correct, although it is my firm belief that we should even do something about the post audit function. It should become a legislative function. His should rather be merely a matter of bookkeeping, checking the books for truth and veracity."

Senator Bailey: "It is not your intent though that the post audit functions are bothered by this amendment?"

Senator Mardesich: "No, but I think that strict reading of the amendment would not allow that at all. If it would, I would say that it was my intent, but it is not my intent."

Senator Bailey: "A strict reading of the amendment would not allow what at all?"

Senator Mardesich: "It is not a prohibition against the Auditor doing the post audit function."

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 545, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; absent or not voting, 5.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Washington, Whetzel, Woodall—37.

Voting nay: Senators Bailey, Jolly, Murray, Odegaard, Ridder, Walgren, Wilson—7.

Absent or not voting: Senators Connor, Day, Dore, Durkan, McCutcheon—5.

SUBSTITUTE HOUSE BILL NO. 545, 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 Atwood, Substitute House Bill No. 545, as amended by the Senate, was ordered immediately transmitted to the House.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 394, by Representatives Flanagan, Thompson, Julin and Martinis:

Providing for a state water resources management plan.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed House Bill No. 394 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 Canfield: "I wonder if Senator Clarke would yield to a question? Senator, this is catching both of us a little unawares but in regard to this bill, you remember you were on a conference committee having to do with trespass and access to public lands and the like and remember you submitted a report which was adopted by the body. Does this particular bill infringe upon the decision that we made prior on this other bill? Does this allow for trespass or does this conflict with this other bill?"

Senator Clarke: "I am sorry to state that without further study, I am not in a position to answer that question."

#### POINT OF INQUIRY

Senator Canfield: "Would Senator Lowell Peterson yield to the same question?"

Senator Peterson (Lowell): "Senator, I do not believe there is any connection. I do not think there is anything in the bill that is permissive along this line. However, if you would care to put the bill down on the calendar we would be glad to check into it."

Senator Canfield: "Just wherever you wish, Senator. I have no objection to the bill if that matter is covered."

#### MOTION

On motion of Senator Peterson (Lowell), Engrossed House Bill No. 394 was ordered placed on the third reading calendar following consideration of House Bill No. 860.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 93, by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution:

Establishing the Washington Commission for the blind.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 93 on third reading. The motion for reconsideration by Senator Andersen having carried on May 4, 1971 on the vote by which the Senate passed the bill.

#### MOTION

Senator Andersen moved that Engrossed Substitute Senate Bill No. 93 be referred to the Committee on Ways and Means.

## PERSONAL PRIVILEGE

Senator Bailey: "I am going to support the motion for reconsideration but I think it should be in the record that the Senate of the State of Washington supported the request of the blind people in asking for a commission. I think it also should be in the record that this has been in the Rules Committee, has come out of the other committee after lengthy hearings in Senator Day's committee. It has been in the Rules Committee for a long time, that the Lieutenant Governor tried to get it out of the Rules Committee many times for the blind people and that we passed the bill yesterday. Then we discovered that the Department of Social and Health Services has now discovered it has a great financial impact and it would seem to me like if there is any burden that the blind people should place on anyone, it should be placed on the Department of Social and Health Services."

## PERSONAL PRIVILEGE

Senator Andersen: "I suppose I am one of the great warriors against the department when it comes down to that because I guess I fight with them as much as anybody but I would respectfully point out that the fiscal impact or the potential adverse fiscal consequences the passage of this bill would bring with it were revealed to me by the assistant attorney general assigned to the department. So while there may be something they should have done some place along the line, the point is that they were the people who made it possible to correct this problem before we faced the problem. I am certainly very pleased that they did come forward with this information and that they did research the matter last evening while this bill was in the Senate for consideration.

"So in view of the adverse fiscal impact on the blind program in loss of federal funds, I again ask that the members of this body join me in my motion to re-refer this bill to the Senate Ways and Means Committee. And, Senator Bailey, the bill has already been reconsidered and it is before us on the third reading for the motion for referral at this point."

The motion by Senator Andersen carried and Engrossed Substitute Senate Bill No. 93 was referred to the Committee on Ways and Means.

## SIGNED BY THE PRESIDENT

The President signed:  
 SENATE BILL NO. 42,  
 SENATE BILL NO. 472,  
 SENATE BILL NO. 858,  
 HOUSE BILL NO. 53,  
 HOUSE BILL NO. 133,  
 HOUSE BILL NO. 222,  
 SUBSTITUTE HOUSE BILL NO. 379,  
 SUBSTITUTE HOUSE BILL NO. 562,  
 HOUSE BILL NO. 575,  
 HOUSE BILL NO. 1060,  
 HOUSE CONCURRENT RESOLUTION NO. 7.

## MOTION

On motion of Senator Durkan, Engrossed House Bill No. 372 was made a special order of business for 11:30 a.m. today.

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

## SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, by Representatives Bluechel, O'Brien, Hoggins and Kiskaddon:

Amending Article VII, section 2 of the Constitution.

The Senate resumed consideration of Engrossed House Joint Resolution No. 47 on second reading.

Senator Holman moved adoption of the following amendment:

On page 1, line 12, after "money" and before the colon insert "*as determined by law*"

#### POINT OF ORDER

Senator Canfield: "I raise a point of order in that the amendment by Senator Holman enlarges the scope and object of the bill. The bill under consideration refers to the forty mill law, Article VII, section 2 and the amendments thereto, and as I read the amendatory document on the sheet it includes a number of taxes including, you might say, tax reform in general. Therefore, Mr. President, I suggest that it does indeed enlarge the scope and object of the bill."

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

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

#### SENATE RESOLUTION: 1971-EX-68

By Senators Andersen, Connor, Whetzel and Dore:

WHEREAS, On April 29, 1971, the State of Israel celebrated the Twenty-third Anniversary of the reestablishment of the Jewish State; and

WHEREAS, In the past twenty-three years, the State of Israel has created a spiritual and cultural center whose influence has been felt in many countries of the world; and

WHEREAS, Israel has extended cooperation and friendship to many states in Africa, Asia, and Oceanic Islands and South America, most of which are also newly emerged nations, by the sharing of its experience and knowledge in the fields of health and medicine, science and technology, as well as many others; and

WHEREAS, The young State of Israel has made tremendous strides in all aspects of its national life through perseverance, determination and arduous effort, bringing to many the opportunity for a new life and renewed hope in the land of their forefathers; and

WHEREAS, The Israeli institutions and way of life are firmly grounded on democratic principles making the State of Israel a part of the free world; and

WHEREAS, The State of Washington is honored by the presence of Consul General David Ben-Dov, who is here to attend the celebrations in honor of Israel's Twenty-third Anniversary;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the members do hereby commemorate the occasion of the Twenty-third Anniversary of the State of Israel, do hereby commend the State of Israel and its people for their many great accomplishments and their fervent desire for peace among all people, and the members extend best wishes to Israel for many happy returns of this historic occasion and for many more great accomplishments in the future; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Consul General of Israel David Ben-Dov; Benjamin S. Asia, President of the Jewish Federation and Council of Greater Seattle; Judge Solie Ringold, Chairman of the Community Relations Department of the Jewish Federation; Sydney A. Abrams and Dr. Cyrus Rubin, National Committeemen of American Israel Public Affairs Committee.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of Consul General of Israel, David Ben-Dov and appointed a special committee consisting of Senators Andersen, Connor, Whetzel, Dore and Keefe to escort the honored guest to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit Consul General Ben-Dov to address the Senate.

#### MOTION

At 11:20 a.m., on motion of Senator Bailey, the Senate recessed until 12:50 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 12:50 p.m.

#### MOTION

At 12:50 p.m., on motion of Senator Greive, the Senate recessed until 2:30 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

## MOTION

On motion of Senator Gissberg, Engrossed House Bill No. 372 was referred to the Committee on Rules and Joint Rules.

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, by Representatives Bluechel, O'Brien, Hoggins and Kiskaddon:

Amending article VII, section 2 of the Constitution.

The Senate resumed consideration of Engrossed House Joint Resolution No. 47, the pending amendment to page 1, line 12, by Senator Holman and the point of order as raised by Senator Canfield.

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as raised by Senator Canfield, finds that Engrossed House Joint Resolution No. 47 is a measure which deals with the number of voters necessary to validate a special levy and the percentage of favorable votes to pass a special levy. Although the amendment as proposed by Senator Holman deals with the same subject, it also contains an income tax proposal and therefore does increase the scope and object of the bill. The point of order as presented by Senator Canfield is well taken."

The amendment by Senator Holman was ruled out of order.

## PERSONAL PRIVILEGE

Senator Holman: "Mr. President, I am sure it must have been unintentional but this is the first time in my experience in either body in the short period of five years when a point of order has been made against someone's bill or amendment and the Chair has ruled upon it without permitting the sponsor of the amendment to speak on the point of order. I think this is something that the people of this state will not appreciate, especially when it has to do with a matter as serious as tax reform. The second part of my point of personal privilege is that scope and object is usually a parliamentary device to shut off debate. It is usually made by those who are unfriendly either to the bill or the sponsor."

## REPLY BY THE PRESIDENT

The President: "Senator Holman, in answer to your remarks, the President wishes to assure you that he did not realize that was the particular situation. However, if true, the President would gladly extend you the privilege of speaking upon the point of order and if your remarks are of such a nature to convince the President, the President would be more than willing to change the decision just announced."

There being no objection, the rules were suspended, Engrossed House Joint Resolution No. 47 was advanced to third reading.

## SECOND READING

ENGROSSED HOUSE BILL NO. 491, by Representatives Hoggins, Cunningham, Shera, Brouillet, Marsh, Mentor, Sawyer, Backstrom and Bauer (by Superintendent of Public Instruction request):

Mandating state board of education to implement, by rule or regulation, vocational education programs in school districts.

The Senate resumed consideration of Engrossed House Bill No. 491 as amended on May 4, 1971, and the pending amendment by Senator Ridder.

The motion by Senator Ridder carried and the amendment as proposed on May 4, 1971 was adopted.



## MOTIONS

On motion of Senator Andersen, Senators Gissberg and Andersen were excused.

Senator Murray moved adoption of the following amendment:

On page 1, after section 1 add new sections as follows:

*“NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:*

*There is hereby established, under the authority of the superintendent of public instruction, an educational mediation and conciliation service, hereinafter in this 1971 amendatory act referred to as the service. The service shall be under the direction of a Washington state education conciliation director, hereinafter in this 1971 amendatory act referred to as the director, who shall have had substantial experience in the field of conciliation and mediation of disputes involving employee relations, and who shall be appointed by the superintendent of public instruction and shall be exempt from the provisions of chapter 41.06 RCW, the state civil service law. The director shall appoint the staff for the service, subject to the approval of the superintendent of public instruction.*

*The state board of education is empowered and directed to adopt, with the advice of the superintendent of public instruction and the director, rules and regulations necessary for the administration of section 3 of this 1971 amendatory act, the same to be in conformity with such section's intent and purpose.*

*NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:*

*If agreement is not reached between the board of directors of a school district and an employee organization on any matter to which the employee organization has negotiating rights, either party to the negotiations, forty-eight hours after serving written notice of its intended action to the other party, may request that the director appoint a mediator to assist in the resolution of the disagreement. The director shall forthwith appoint a mediator as requested, to enter the negotiations process in that school district.*

*If a mediator is appointed, the parties shall furnish all information and documents relevant to the negotiations dispute requested and shall attend as requested all hearings scheduled by him. Neither party shall be bound in their subsequent negotiations by the conciliation efforts of the mediator.*

*From the time of the written notice of intent to invoke the procedures of this section until five days after the first conference of the mediator with both parties, neither party shall take any action adverse to the position of the other party or its members.*

*NEW SECTION. Sec. 4. 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 are each hereby repealed.”*

## POINT OF ORDER

Senator Ridder: “I believe that getting into this subject at this time—this started out as a simple bill on vocational education and my amendment was to that end and now we are getting into professional negotiations which is in a completely different section of RCW's and I think it enlarges the scope and sequence of this bill.”

## RULING BY THE PRESIDENT

The President: “The President believes that the remarks of Senator Ridder are correct and therefore the amendment proposed by Senator Murray does, in the opinion of the President, increase the scope and object of the measure. Therefore, the point of order as presented by Senator Ridder is well taken.”

The amendment by Senator Murray was ruled out of order.

Senator Murray moved adoption of the following amendment:

On page 1, section 2, line 12, insert as sections 2-13 the following:

*Sec. 2. Section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010 are each amended to read as follows:*

*It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication and procedures for resolving disputes between certificated employees and the school districts by which they are employed.*

*Sec. 3. Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020 are each amended to read as follows:*

*As used in this chapter:*

*“Employee organization” means any organization which includes as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.*

*“Certificated employee” means any employee holding a regular teaching certificate [of the state] authorized by state law of the state board of education and who is employed by*

any school district with the exception of the chief administrative officers of each local district.

*"Chief administrative officers" shall mean the superintendent, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, the business manager, the director of personnel and board negotiators as provided for in section 5 of this 1971 amendatory act.*

*"Established administrative channels" shall mean those procedures adopted by the board of directors of a school district under section 5 of this 1971 amendatory act for utilizing chief administrative officers of the district to meet and confer with representatives of the employee organization prior to the meeting, conferring or negotiating with the board of directors, or a committee thereof, or its designated representatives.*

Sec. 4. Section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the certificated employees within its school district, [shall have the right,] after using established administrative channels, shall have the right to meet, confer and negotiate with the board of directors of the school district or [a committee thereof] its designated representatives [to communicate the considered professional judgment of the certificated staff] prior to [the] final adoption by the board or chief administrative officers of proposed school board policies and administrative procedures relating to [, but not limited to, curriculum, textbook selection,] in-service training, student teaching programs, [personnel] grievance procedures, hiring and assignment practices, fringe benefits, leaves of absence, personnel contract provisions, hours to be worked, salaries and salary schedules [and] , noninstructional duties, procedures for curriculum development, and, except as otherwise provided by law, the selection of instructional materials: PROVIDED, That any other definite course or method of action or program adopted or to be adopted or selected for the respective school district including the procedures used or to be used to implement such course or method of action or program, only by mutual consent of the board of directors and the employee organization, may become a matter subject to the negotiations procedures established in this chapter: PROVIDED FURTHER, That the employee organization shall have the right to communicate, but not negotiate, its professional judgment on other matters prior to final action by the school board of chief administrative officers.

Sec. 5. Section 28A.72.070, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070 are each amended to read as follows:

Boards of directors of school districts or any chief administrative officers thereof shall not discriminate against certificated employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

Sec. 6. Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080 are each amended to read as follows:

Boards of directors of school districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter, which rules and regulations shall be subject to negotiation with the employee organization duly chosen to represent the certificated employees. Any such board may employ individuals to serve as negotiators on behalf of the board with representatives of the employee organization chosen to represent the certificated employees prior to meetings between such representatives and such boards, or committees of such boards, pursuant to RCW 28A.72.030: PROVIDED, That an agreement by the negotiators shall be reduced to writing and submitted in such form to the respective parties for final action. A board's negotiator may be given authority to reach agreement on behalf of the board within limits established by the board.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

Negotiations between the employee organization duly chosen to represent certificated employees under chapter 28A.72 RCW and the board shall at all times be conducted in good faith with the objective of reaching an agreement which, when final, shall be reduced to writing and which shall be binding on both parties. Such employee organization shall be the exclusive representative of and negotiate for all of the certificated employees of their respective school district.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

There is hereby established, under the authority of the superintendent of public instruction, an educational mediation, conciliation, and fact-finding service, hereinafter in this 1971 amendatory act referred to as the service. The service shall be under the direction of a Washington state education conciliation director, hereinafter in this 1971 amendatory act referred to as the director, who shall have had substantial experience in the field of fact-finding, conciliation, and mediation of disputes involving employee relations, and who shall be appointed by the superintendent of public instruction and shall be exempt from the provisions of chapter 41.06 RCW, the state civil service law. The director shall appoint the staff for the service, subject to the approval of the superintendent of public instruction.

The state board of education is empowered and directed to adopt, with the advice of the superintendent of public instruction and the director, rules and regulations necessary for the administration of sections 8 and 9 of this 1971 amendatory act, the same to be in conformity with such sections' intent and purpose.

*NEW SECTION.* Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

If agreement is not reached between the board of directors of a school district and an employee organization on any matter to which the employee organization has negotiating rights, either party to the negotiations, forty-eight hours after serving written notice of its intended action to the other party, may request that the director appoint either a fact-finder or mediator to assist in the resolution of the disagreement. The director shall forthwith appoint a fact-finder or mediator, as requested, to enter the negotiations process in that school district. In the case of conflicting requests, the director shall decide whether a fact-finder or mediator shall be appointed.

If a fact-finder is appointed, the parties shall furnish all information and documents relevant to the negotiations dispute requested by the fact-finder and shall attend as requested all hearings scheduled by him. Any party refusing to produce any such information or documents, unless privileged, or to attend such hearings as requested shall be deemed to be in bad faith. Neither party shall be bound in their subsequent negotiations by the findings of the fact-finder respecting the facts or law related to the dispute.

If a mediator is appointed, any party to negotiations which fails to attend, after reasonable notice, the first meeting scheduled by a mediator appointed under this section shall be deemed to be in bad faith. The meaning of the term "bad faith" is not limited to the definitions contained herein. Any party held or deemed to be in bad faith in negotiations shall be subject to judicial process by the other party for which the court may grant such injunctive or other relief as the court deems appropriate.

From the time of the written notice of intent to invoke the procedures of this section until seventy-two hours after the receipt by both parties of the written decision of the fact-finder or until five days after the first conference of the mediator with both parties, neither party shall take any action adverse to the position of the other party or its members.

*NEW SECTION.* Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

After exhausting the procedures provided in section 8 of this 1971 amendatory act, both parties to the negotiations, through mutual consent and by written agreement, may request the director of the service to appoint, and the director shall appoint, an arbitrator to any dispute arising from employee-employer negotiations in school districts. The costs of such arbitrator shall be paid by the parties as provided in the arbitration agreement.

*NEW SECTION.* Sec. 11. Section 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; and section 28A.72.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.040 are each hereby repealed.

*NEW SECTION.* Sec. 12. If any provision of sections 2-11 of this 1971 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. 13. The sum of one hundred dollars is hereby appropriated from the budget of the superintendent of public instruction for the purpose of carrying out the provisions of this act."

### POINT OF ORDER

Senator Ridder: "I respectively submit and I must make my plea again, I cannot argue with the worth or value of the amendment but it does seriously broaden the scope and object of this bill."

### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Ridder, finds that Engrossed House Bill No. 491 is a measure dealing with vocational educational programs and rehabilitation, whereas the amendment as proposed by Senator Murray in essence is a proposal dealing with mediation and negotiation and therefore the President rules the point as presented by Senator Ridder is well taken."

Senator Guess moved adoption of the following amendment:

On page 1, section 1, line 11 add new sections to read as follows:

*"NEW SECTION.* Sec. 2. There is added to chapter 223, Laws of 1969 ex. session and to chapter 28A.58 RCW a new section to read as follows:

Any parent, guardian or person having the control or custody of any student enrolled in the common schools, upon his written request, shall be permitted as soon as reasonably practicable to review and examine all instructional materials of whatsoever nature and whether audible or visual, used in any course of instruction in which his children may be enrolled, except academic tests in advance to be taken.

Each school district shall develop a procedure by which the persons authorized above may review or challenge the content of the instructional material described above. The procedure shall specify:

- a. The person to whom the application shall be made.
- b. The method of filing a challenge.

In the event a parent, guardian or custodian shall be denied the rights conferred by this

act the person so responsible shall be subject to disciplinary procedures by the school district. The disciplinary procedures shall be developed at the same time and incorporated in the policy established herewith.

*NEW SECTION.* Sec. 3. If any provision of this 1971 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."

#### POINT OF ORDER

Senator Henry: "As much as I regret, I must raise the question of scope and object, and as one who presides sometimes I would hate to be in the same position of having to make this decision because once you let down the bars on a hard and fast rule that we have used here over the years on enlarging the scope and object of the bill, it is going to be brought up in other forms and other types of legislation. I am wholeheartedly in sympathy with the aims of this particular amendment, I supported it as a bill but unfortunately we cannot hang every bill that we cannot get through the House on these bills just because they have an educational title."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order as presented by Senator Henry first wishes to express appreciation to both Senator Guess and Senator Henry. The President fully realizes that both honored members of the Senate who have spoken on this realize that the measure does increase the scope and object of the bill and therefore that is the ruling of the President."

The amendment by Senator Guess was ruled out of order.

On motion of Senator Wilson, the following amendment by Senators Wilson and Odegaard to the title was adopted:

On page 1, line 1 of the title, after "education;" and before "and" insert "amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 283, Laws of 1969 ex. sess. and RCW 28A.04.060;"

On motion of Senator Ridder, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "RCW 28A.09.100" and before the period insert "defining certain terms; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW"

On motion of Senator Ridder, the rules were suspended, Engrossed 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.

Debate ensued.

#### MOTION

On motion of Senator Murray, Senator Elicker was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 491, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Absent or not voting: Senators Connor, Durkan, Fleming, McCutcheon, Whetzel—5.

Excused: Senators Andersen, Elicker, Gissberg—3.

ENGROSSED 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.

## MOTION

On motion of Senator Wilson, Engrossed House Bill No. 491, as amended by the Senate, was ordered immediately transmitted to the House.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, by Committee on Elections and Apportionment:

Implementing laws relating to elections.

## REPORT OF STANDING COMMITTEE

March 10, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, implementing laws relating to elections (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendment:

On page 10, line 13 of the engrossed bill, being line 27 of the printed bill, add a new section to read as follows:

"NEW SECTION. Sec. 14. This 1971 amendatory act shall become effective only upon final adjudication by the appropriate court determining that chapter... (SB 400), Laws of 1971, is invalid and unenforceable, in an action brought pursuant to section 3 thereof: PROVIDED, HOWEVER, That if such action has not been finally adjudicated on or before March 31, 1972, this 1971 amendatory act shall take effect as of said date."

Signed by: Senators Wilson, Vice Chairman; Donohue, Dore, Holman, Mardesich, Matson, Metcalf, Washington.

The bill was read the second time by sections.

Senator Holman moved the committee amendment be not adopted.

## POINT OF INQUIRY

Senator Bailey: "Mr. President, a question of Senator Holman. Is this the request of the committee that the amendment be not adopted, or is this the request of Senator Holman?"

Senator Holman: "Well, we did not take it up in committee but the chairman of the committee, Senator Wilson, asked me to do it. I suppose it comes from the committee."

## MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 433 and the pending motion by Senator Holman was ordered to hold its place on the second reading calendar for Thursday, May 6, 1971.

## SECOND READING

HOUSE BILL NO. 437, by Representatives Bagnariol, Barden and Kilbury (by State Auditor request):

Providing for designation of fiscal agencies by counties, cities, towns and port or school districts.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, House Bill No. 437 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. 437, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day,

Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senators Andersen, Gissberg—2.

HOUSE BILL NO. 437, having received the 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 HOUSE BILL NO. 597, by Representatives Rosellini, Hatfield and Grant:

Adding an eighth member to the mobile home and recreation vehicle advisory board. The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 597 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. 597, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Lewis, McCutcheon—2.

Excused: Senators Andersen, Gissberg—2.

ENGROSSED HOUSE BILL NO. 597, having received the 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 HOUSE BILL NO. 495, by Representatives Gallagher Copeland and King (by departmental request):

Providing for the regulation of water well construction.

#### REPORT OF STANDING COMMITTEE

April 13, 1971.

ENGROSSED HOUSE BILL NO. 495, providing for the regulation of water well construction (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendment:

On page 8, section 18, line 14 of the printed and engrossed bill, after "for" and before "noncommercial" insert "farm or"

Signed by: Senators Peterson (Lowell), Chairman; Bailey, Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Talley.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the committee amendment was adopted.

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Peterson (Lowell) yield? In this amendment is there any limit to the size of the well?"

Senator Peterson (Lowell): "Senator, to the best of my knowledge you would still have to go through the application for your permit under normal procedure. This would merely exempt you from having to procure a well drillers' license, per se."

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed House Bill No. 495, 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 Lowell Peterson yield? Senator, I am well aware that the bill has been through the body before, having introduced it one time. There is a new section 4, which gives the department certain powers. What I would like to know, is the department going to have some very broad powers in adopting rules and regulations governing the licensing under it? Now, normally licenses are issued by the motor vehicle department, but this puts the licensing under the department of ecology. Is the department of ecology going to start issuing licenses?"

Senator Peterson (Lowell): "Senator, in answer to your question, I think that we all recognize that under the new department that we have created they are going to be issuing licenses for a number of things in the future, including maybe permits and applications that are going to be acted on in many different areas in the scope and field that they cover so I would say, in answer to your question, yes."

Senator Guess: "All right. Will they follow the procedures of the Washington Administrative Code?"

Senator Peterson (Lowell): "I think they are bound to do that."

Senator Guess: "That is what I wanted to hear you say."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senators Matson, Metcalf—2.

Absent or not voting: Senators Atwood, McCutcheon, McDougall, Whetzel—4.

Excused: Senators Andersen, Gissberg—2.

ENGROSSED HOUSE BILL NO. 495, 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.

HOUSE BILL NO. 860, by Representatives Lynch and Hatfield:

Exempting hops in transit from property taxes.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 860 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Metcalf: "Mr. President, would Senator Donohue yield? Senator, does this represent a new departure now in that we are going out of the range of just edible fruits, berries, vegetables and nuts into things that are not specifically edible in their form and have we any problems for the future in going into a new area?"

Senator Donohue: "Senator, I doubt it. I think there is probably only one thing like hops and that is hops. I think that in the past the statute does provide that these certain vegetables have been exempt during transportation by truck or otherwise and I do not think this is really a departure. I think it is more or less due to the judge's decision over in Senator Woodall's area."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 860, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Durkan, McCutcheon, Whetzel—3.

Excused: Senators Andersen, Gissberg—2.

HOUSE BILL NO. 860, having received the 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 HOUSE BILL NO. 394, by Representatives Flanagan, Thompson, Julin and Martinis:

Providing for a state water resources management plan.

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 House Bill No. 394, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—45.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senator Gissberg—1.

ENGROSSED HOUSE BILL NO. 394, having received the 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 seventh order of business.

## SECOND READING

ENGROSSED HOUSE BILL NO. 620, by Representatives Flanagan, Bledsoe and Julin:  
Reducing the number of justices of the peace in Grant county to one.

## REPORT OF STANDING COMMITTEE

April 20, 1971.

ENGROSSED HOUSE BILL. NO. 620, reducing the number of justices of the peace in Grant county to one (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Following section 1 of both the printed and engrossed bill insert the following new section:

"NEW SECTION. Sec. 2. Section 13, chapter 299, Laws of 1961 and RCW 3.34.040 are hereby amended to read as follows:



Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary [equal to or] greater than [eight] *nine* thousand dollars for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business."

On line 1 of the title, after "peace;" and before "amending" strike "and".

On line 3 of the title, after "RCW 3.34.010" and before the period insert "; and amending section 13, chapter 299, Laws of 1961 and RCW 3.34.040"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Clarke, Francis, Twigg, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 610, 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. 620, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Connor, Durkan, McCutcheon—3.

Excused: Senator Gissberg—1.

ENGROSSED HOUSE BILL NO. 620, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 643, by Representatives Wanamaker, Mentor, Van Dyk, Berentson, Farr, Hansey and Costanti:

Altering certain judicial districts of the superior courts.

The bill was read the second time by sections.

On motion of Senator Foley, the rules were suspended, Engrossed House Bill No. 643 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 Foley yield? Senator, I do not question the need for these new judges. However, it is my understanding that the state pays half the salary of superior court judges. If that is true, I am wondering if the money has been allowed for in the budget?"

Senator Foley: "It will go in the supplemental if it is passed."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 643, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Guess, Henry, Herr,

Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Ridder—1.

Absent or not voting: Senators Connor, Greive, McCutcheon—3.

Excused: Senator Gissberg—1.

ENGROSSED HOUSE BILL NO. 643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 707, by Representatives McDermott, Farr, Sawyer, Curtis and Bauer:

Providing that counties may transfer mental health funds to the state in order to obtain federal matching funds.

The bill was read the second time by sections.

On motion of Senator Bailey, the rules were suspended, House Bill No. 707 was advanced to third reading, the second reading considered the third.

#### MOTION

On motion of Senator Bailey, House Bill No. 707 was ordered placed on the third reading calendar immediately following consideration of Substitute House Bill No. 561.

#### SECOND READING

HOUSE BILL NO. 721, by Representatives Newhouse, Moon, Thompson and Berentson:

Directing negotiations for sale of certain trust lands to state parks and recreation commission for recreation purposes.

The bill was read the second time by sections.

Senator Bailey moved adoption of the following amendment:

On page 1, line 5, strike all after the enacting clause and insert the following:

“NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new section to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of the effective date of this act pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of \$11,024,740 or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section and any cost of collection pursuant to appropriations from the trust land purchase account created in section 2. The department of natural resources shall not receive any management fee pursuant to the sale. Timber on the trust lands which are the subject of this section shall continue to be under the management of the Department of Natural Resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The legislature hereby requests that the governor include funds for the purchase of said timber in the 1973-1975 biennial budget. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel

- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach

*NEW SECTION.* Sec. 2. There is hereby created the trust land purchase account in the state general funds. Any revenues accruing to this account shall be used exclusively for the purchase of a fee interest or such other interest in state trust lands presently used for park purposes as the State Parks and Recreation Commission shall determine and to reimburse the State Parks and Recreation Commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium."

#### MOTION

On motion of Senator Peterson (Lowell), House Bill No. 721 and the pending amendment by Senator Bailey was made a special order of business at 5:00 p.m.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 23, by Senators Odegaard, Gardner, Metcalf, Ridder, Newschwander and Francis:

Providing for study of vocational education needs and capabilities.

#### REPORT OF STANDING COMMITTEE

April 13, 1971.

SENATE CONCURRENT RESOLUTION NO. 23, providing for a study of vocational education needs and capabilities (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 28, after "no" strike "organizational or administrative changes" and insert "transfers of authority"

Signed by: Senators Francis, Chairman; Fleming, Gardner, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

The resolution was read the second time in full.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Concurrent Resolution No. 23 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 23, and the resolution passed the Senate by the following vote: Yeas, 44; absent or not voting, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson, Woodall-44.

Absent or not voting: Senators Andersen, Fleming, McCutcheon, Twigg, Whetzel-5.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 23, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 561, by Committee on Social and Health Services: Providing monetary grants on release of prisoners.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Substitute House Bill No. 561 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. 561, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senators Foley, McCutcheon—2.

SUBSTITUTE HOUSE BILL NO. 561, having received the 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. 707, by Representatives McDermott, Farr, Sawyer, Curtis and Bauer:

Providing that counties may transfer mental health funds to the state in order to obtain federal matching funds.

The bill was read the third time and placed on final passage.

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Day yield? Senator, in my two counties we have a very active mental health program. Now does this mean that once the state gets their iron grip on these funds that we are going to have to fight to get them back from Olympia?"

Senator Day: "This bill says in the event the county elects to transfer the funds. If Olympia does that, they will not elect to transfer them any longer. That is not the intent of the bill, Senator."

Senator Bailey: "In other words, they do not have to give the funds up unless they . . ."

Senator Day: "That is correct."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 707, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Atwood, Durkan, McCutcheon, Stender—4.

HOUSE BILL NO. 707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 841, by Representatives Merrill, Paris, Adams, Lynch, Marzano and O'Brien:

Requiring that provision be made for handicapped persons in public accommodations. The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 841 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. 841, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senators Andersen, McCutcheon—2.

ENGROSSED HOUSE BILL NO. 841, having received the 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 Lewis, the appointment of JOHN A. BIGGS as Director of the Department of Ecology was confirmed.

## APPOINTMENT OF JOHN A. BIGGS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators McCutcheon, McDougall, Metcalf, Newschwander, Odegaard, Talley—6.

## MOTION

On motion of Senator Sandison, the appointment of JAMES FURMAN as a member of the Western Interstate Commission for Higher Education was confirmed.

## APPOINTMENT OF JAMES FURMAN

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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich,

Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Absent or not voting: Senators Fleming, McCutcheon, Metcalf-3.

### MOTION

On motion of Senator Huntley, Senator McDougall was excused.

### SECOND READING

ENGROSSED HOUSE BILL NO. 567, by Representatives Bagnariol, Barden and Merrill:

Providing for merger of sewer districts into water districts.

The bill was read the second time by sections.

Senator Whetzel moved adoption of the following amendment:

On page 5, following section 7, add new sections as follows:

"Sec. 8. Section 1, chapter 261, Laws of 1961 and RCW 56.08.100 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, [other than life insurance] including term life insurance, for the benefit of its employees and/or commissioners and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance [, other than life insurance.] and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Sec. 9. Section 2, chapter 261, Laws of 1961 and RCW 57.08.100 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, [other than life insurance] including term life insurance, for the benefit of its employees and/or commissioners and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance [, other than life insurance.] and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

**NEW SECTION.** Sec. 10. There is added to chapter 56.02 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, no sewer district shall be formed or reorganized under chapter 56.04 RCW, nor shall any sewer district annex territory under chapter 56.24 RCW, nor shall any sewer district withdraw territory under chapter 56.28 RCW, nor shall any sewer district consolidate or be merged under chapter 56.32 RCW, nor shall any water district be merged into a sewer district under chapter 56.36 RCW, unless such proposed action shall be approved as provided for in section 12 of this 1971 amendatory act.

The county legislative authority shall within thirty days after receiving notice of the proposed action, approve such action or hold a hearing on such action. In addition, a copy of such proposed action shall be mailed to the state department of ecology and to the state department of social and health services.

The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve such proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

(1) Whether the proposed action in the area under consideration is in compliance with the development program which is outlined in the county comprehensive plan and its supporting documents; and/or

(2) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and/or

(3) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

If the proposed action is inconsistent with subsections (1), (2), or (3) of this section, the county legislative authority shall not approve it. If such action is consistent with all such subsections, the county legislative authority shall approve it unless it finds that utility service in the area under consideration will be most appropriately served by the county itself under the provisions of chapter 36.94 RCW, by a city, town, or municipality, or by another existing special purpose district rather than by the proposed action under consideration. If there has not been adopted for the area under consideration a plan under any one of

subsections (1), (2), or (3) of this section, the proposed action shall not be found inconsistent with such subsection.

*NEW SECTION.* Sec. 11. There is added to chapter 57.02 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, no water district shall be formed or reorganized under chapter 57.04 RCW, nor shall any water district annex territory under chapter 57.24 RCW, nor shall any water district withdraw territory under chapter 57.28 RCW, nor shall any water district consolidate under chapter 57.32 RCW, nor shall any water district be merged under chapter 57.32 RCW, nor shall any sewer district be merged into a water district under sections 1 through 6 of this 1971 amendatory act, unless such proposed action shall be approved as provided for in section 12 of this 1971 amendatory act.

The county legislative authority shall within thirty days of the date after receiving notice of the proposed action, approve such action or hold a hearing on such action. In addition, a copy of such proposed action shall be mailed to the state department of ecology and to the state department of social and health services.

The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve such proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

(1) Whether the proposed action in the area under consideration is in compliance with the development program which is outlined in the county comprehensive plan and its supporting documents; and/or

(2) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and/or

(3) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

If the proposed action is inconsistent with subsections (1), (2), or (3) of this section, the county legislative authority shall not approve it. If such action is consistent with all such subsections, the county legislative authority shall approve it unless it finds that utility service in the area under consideration will be most appropriately served by the county itself under the provisions of chapter 36.94 RCW, by a city, town, or municipality, or by another existing special purpose district rather than by the proposed action under consideration. If there has not been adopted for the area under consideration a plan under any one of subsections (1), (2), or (3) of this section, the proposed action shall not be found inconsistent with such subsection.

*NEW SECTION.* Sec. 12. In any county where a boundary review board, as provided in chapter 36.93 RCW, has not been established, the approval of the proposed action shall be by the county legislative authority pursuant to sections 10 and 11 of this 1971 amendatory act, and shall be final and the procedures required to adopt such proposed action shall be followed as provided by law.

In any county where a boundary review board, as provided in chapter 36.93 RCW, has been established, notice of intention of the proposed action shall be filed with the board as required by RCW 36.93.090 and a copy thereof with the legislative authority. The latter shall transmit to the board a report of its approval or disapproval of the proposed action together with its findings and recommendations thereon under the provisions of sections 10 and 11 of this 1971 amendatory act. If the county legislative authority has approved of the proposed action, such approval shall be final and the procedures required to adopt such proposal shall be followed as provided by law, unless the board reviews the action under the provisions of RCW 36.93.100 through 36.93.180. If the county legislative authority has not approved the proposed action, the board shall review the action under the provisions of RCW 36.93.150 through 36.93.180. Action of the board after review of the proposed action shall supersede approval or disapproval by the county legislative authority."

## POINT OF INQUIRY

Senatore Dore: "I would like to ask Senator Whetzel a question. Is not this rather a revolutionary thing to hang on this bill at this time? There is no limit on the amount of term insurance for commissioners; in effect it is a salary increase for them. Why don't you take commissioners out and just leave employees in?"

Senator Whetzel: "This was considered by the committee, Senator, on cities, towns and counties, of which you are a member and it was in the committee's wisdom we adopted this proposal."

Senator Dore: "Isn't this a floor amendment?"

Senator Whetzel: "It is very similar to the language, I cannot give you the number of a bill that has passed the Senate and is over in the House at this time, Senator Dore. I have not checked the record to see whether you voted for it or not but I do not think it raised any particular concern at the time that it passed here."

## MOTIONS

On motion of Senator Whetzel, Engrossed House Bill No. 567 and the pending

amendment by Senator Whetzel was ordered placed on the second reading calendar immediately following consideration of Engrossed House Bill No. 622.

On motion of Senator Atwood, the Senate immediately commenced consideration of Senate Concurrent Resolution No. 31 on third reading.

SENATE CONCURRENT RESOLUTION NO. 31, by Senators Peterson (Lowell), Peterson (Ted) and Metcalf:

Creating the interim committee on fisheries, game and game fish.

On motion of Senator Peterson (Lowell), the rules were suspended, Senate Concurrent Resolution No. 31 was returned to second reading.

On motion of Senator Peterson (Lowell), the following amendment was adopted:

On page 3, lines 6 and 7, after "per mile" on line 6 strike "traveling expenses" and insert "for actual auto travel or actual cost if other means of transportation be used"

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed Senate Concurrent Resolution No. 31 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Concurrent Resolution No. 31, and the resolution passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senators Connor, Dore, Durkan, Herr, McCutcheon-5.

Excused: Senator McDougall-1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 31, having received the constitutional majority, was declared passed.

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

#### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

##### MOTION

On motion of Senator Wilson, the appointment of JAMES W. WHITTAKER as a member of the State Parks and Recreation Commission was confirmed.

##### APPOINTMENT OF JAMES W. WHITTAKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senators Connor, Durkan, Henry, McCutcheon, Matson-5.

Excused: Senator McDougall-1.

##### MOTION

On motion of Senator Day, the appointment of SANFORD THAL as a member of the Washington State Pharmacy Board was confirmed.



## APPOINTMENT OF SANFORD THAL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Durkan, McCutcheon, Mardesich, Matson—5.  
Excused: Senator McDougall—1.

## SECOND READING

ENGROSSED HOUSE BILL NO. 622, by Representatives Smythe, O'Brien and Bledsoe:

Amending the municipal revenue bond act.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 622 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. 622, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Durkan, Gissberg, McCutcheon, Matson—4.

Excused: Senator McDougall—1.

ENGROSSED HOUSE BILL NO. 622, having received the constitutional 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, Engrossed House Bill No. 567 and the pending amendment by Senator Whetzel was ordered to hold its place on the second reading calendar for Thursday, May 6, 1971.

## NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would move for reconsideration of the vote by which Substitute House Bill No. 545 passed the Senate, prior to adjournment today.

## POINT OF ORDER

Senator Newschwander: "I believe I heard that Senator Washington moved to reconsider later today Substitute House Bill No. 545. I am under the impression that was immediately transferred to the House when we passed that bill."

## RULING BY THE PRESIDENT

The President: "The President has been advised by the Secretary that the records show that the bill was transmitted to the House. However, Senator Newschwander, this does not rule out the possibility of the Senate reconsidering its action."

Debate ensued.

## POINT OF INQUIRY

Senator Elicker: "Would Senator Greive yield to a question? I am not trying to be argumentative, Senator Greive, but I want to get this straightened out in my own mind. Would it be your position that if a bill had been transmitted to the House, the House had passed it, had the bill, but then we could unpass the bill?"

Senator Greive: "According to our rules it is not legally through until all the motions are exhausted that we have a right to make under the law. I would not care what happened to it, we still have a right to reconsider. However, if you suspend the rules, suspend the motion to reconsider the rule that governs it, then you have a right. So it would depend on how it is worded. I realize the last couple of days have been pretty chaotic, but normally if I hear the motion to reconsider, I take an entirely different attitude. Somebody moves to transmit, that is one thing but the minute I hear this suspending the rules, I take an entirely different attitude and stop that because we may not want to suspend the right to reconsider. So it depends on how it is said."

Further debate ensued.

## RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order finds that the remarks by Senator Washington and Senator Greive are correct. In the instance of Substitute House Bill No. 545, the measure happens still to be in the possession of the Senate because the bill had amendments which have not been processed as yet. However, to enlarge on the remarks, had the bill been transmitted to the House and in the possession of the House, precedents will show that the House would return the bill to the Senate upon a request if a notice of reconsideration is given prior to the adjournment on that day. Therefore, the point of order is not well taken."

## MOTION

On motion of Senator Keefe, Senator Gardner was excused.

## PARLIAMENTARY INQUIRY

Senator Andersen: "What order of business are we on? Point of additional parliamentary inquiry. Is there any particular place on the order of business where a notice of reconsideration must be given or can it be given on any order of business?"

## REPLY BY THE PRESIDENT

The President: "Senator Washington gave his notice when the Senate was on the second reading of bills and the motion was in order at that time. Subsequently, if Senator Washington wishes to make his motion to comply strictly with the rules, it would be on the sixth order of business."

## PARLIAMENTARY INQUIRY

Senator Andersen: "Mr. President, point of order. Would there have to be a suspension of rules to go to that order of business from where we are now?"

## REPLY BY THE PRESIDENT

The President: "No, sir, it would not require a suspension, Senator Andersen."

## MOTION

At 4:45 p.m. on motion of Senator Greive, the Senate was declared to be at ease subject to the Call of the Chair.

## EVENING SESSION

The President called the Senate to order at 5:45 p.m.

The President declared the Senate to be at ease subject to the Call of the Chair.

The President called the Senate to order at 7:20 p.m.

## MOTION

At 7:20 p.m., on motion of Senator Bailey, the Senate recessed until 8:00 p.m.

## SECOND EVENING SESSION

The President called the Senate to order at 8:00 p.m.

## MOTION

At 8:00 p.m., on motion of Senator Greive, the Senate recessed until 9:30 p.m.

## THIRD EVENING SESSION

The President called the Senate to order at 9:30 p.m.

## MOTION

On motion of Senator Atwood, Senator Metcalf was excused.

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

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having given prior notice, Senator Washington moved that the Senate immediately reconsider the vote by which Substitute House Bill No. 545, as amended by the Senate, passed the Senate.

Debate ensued.

Senators Woodall, Atwood and Canfield demanded the previous question and the demand was sustained.

Senator Washington demanded a roll call on the motion for reconsideration and the demand was sustained by Senators Ridder, Jolly, Matson, Canfield, Greive, Cooney, Fleming, Stender and Newschwander.

The President declared the question before the Senate to be the motion by Senator Washington to reconsider the vote by which Substitute House Bill No. 545, as amended by the Senate, passed the Senate.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 15; nays, 27; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Connor, Dore, Francis, Greive, Jolly, Keefe, Knoblauch, Odegaard, Ridder, Sandison, Stender, Talley, Washington, Wilson—15.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Elicker, Fleming, Foley, Gissberg, Guess, Huntley, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Twigg, Walgren, Whtzel, Woodall—27.

Absent or not voting: Senators Durkan, Henry, Herr, Holman, McCutcheon—5.

Excused: Senators Gardner, Metcalf—2.

### SECOND READING

ENGROSSED HOUSE BILL NO. 291, by Representatives Kuehnle, Litchman, Curtis, Hatfield, Bottiger, Gladder, Eikenberry, Pardini, Smith, Conway, Kopet, Morrison, Wolf, Shera, Gallagher, Bagnariol, Jastad, Adams, Rosellini, Ceccarelli, Randall, Anderson, Backstrom, Bauer, Hoggins, Knowles, Marzano and McCormick:

Relating to gambling.

### POINT OF ORDER

Senator Washington: "I have an amendment which is geared to the bill itself which perhaps goes to the heart of the bill itself. There are a number of amendments which if enacted would make this bill merely a bill for bingo and raffles. It seems to me we would act on the first of the amendments. If that amendment were to carry I would go ahead with the rest of the amendments. If it were to fail, obviously the rest of the amendments would fail but since I do not have that amendment geared to the committee amendment, I think it would be more appropriate that it be acted on ahead of the committee amendment. I think my amendment on page 2, section 1, in chronological order would be the first section to be covered and would come ahead of the committee amendment."

### RULING BY THE PRESIDENT

The President: "Senator Washington, your remarks are true. However, it has been the practice to consider the committee amendments first unless the members of the Senate wish to do otherwise. The President believes that your point of order is one that should be decided by the members as to what amendments they wish to consider first."

The bill was read the second time by sections.

### MOTIONS

On motion of Senator Talley, the Senate began consideration of the amendment by Senator Washington prior to consideration of the committee amendments.

Senator Washington moved adoption of the following amendment:

On page 2, section 1, line 29 after "bingo games" strike everything down to and including "pull tabs" in line 31 and insert "and raffles"

Senator Keefe moved that the amendment by Senator Washington be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators Bailey, Stender, Peterson (Ted), Cooney, Day, Foley, Scott, Atwood and Newschwander.

### ROLL CALL

The Secretary called the roll and the amendment by Senator Washington was laid upon the table by the following vote: Yeas, 29; nays, 12; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Fleming, Francis, Gissberg, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Wilson, Woodall—29.

Voting nay: Senators Andersen, Clarke, Elicker, Foley, Guess, Jolly, Murray, Peterson (Ted), Scott, Walgren, Washington, Whetzel—12.

Absent or not voting: Senators Durkan, Greive, Henry, Herr, Holman, McCutcheon—6.

Excused: Senators Gardner, Metcalf—2.

### REPORT OF STANDING COMMITTEE

May 5, 1971.

ENGROSSED HOUSE BILL NO. 291, relating to gambling (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 12, section 8, beginning on line 21 after "the" strike "attorney general, the state patrol or the"

On page 12, section 8, beginning on line 22 after "sheriff" insert "of the county, or legal counsel, or"

On page 12, section 8, beginning on line 22 after "police of" strike "the county or city" and insert "any city or town"

On page 13, section 10, line 17, after "prosecuting attorney," insert "or legal counsel of any city or town wherein a violation of this 1971 amendatory act occurs."

On page 15, section 11, beginning on line 1 after "licensing" strike everything down to and including "or city" on line 8

On page 16, section 12, line 17, after "of skill" and before "in" insert ", each game having a monetary limit of one dollar for each participant therein,"

On page 16, section 13, beginning on line 29 after "is located" strike everything down to and including "or city" on page 17, line 2

On page 21, line 10 strike all of section 22 and renumber the remaining section consecutively

On page 21, following section 22, add a new section as follows and renumber the remaining section consecutively.

"NEW SECTION. Sec. 23. Notwithstanding any other provision of this 1971 amendatory act, no county, city, or town, shall prohibit any activity provided for in this 1971 amendatory act, unless such county, city or town has in effect an ordinance(s) which shall have been approved by a majority of the members of the legislative authority of such county, city or town, relative to such named activity and prohibiting the same."

Beginning on line 4 of the title after "9.66.010;" strike everything down to and including "RCW 9.47.140;" on line 22

In line 22 of the title after "9.47.140;" strike everything down to and including "the people;" on line 24.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren.

Senator Walgren moved adoption of the committee amendment to page 12, section 8, beginning on line 21.

Debate ensued.

The motion lost and the committee amendment was not adopted.

On motion of Senator Walgren, the remaining committee amendments to page 12 were adopted. The committee amendment to page 13 was adopted.

On motion of Senator Mardesich, the remainder of the committee amendments were adopted.

On motion of Senator Canfield, the following amendment was adopted:

On page 3, section 2, line 5, insert as subsections (1) and (2) the following:

"(1) "Amusement game" for the purposes of this act means a game played for entertainment which shall have a twenty-five cent limit for participation therein in which: (a) The contestant actively participates; (b) the outcome depends in some material degree upon the skill of the contestant; (c) only merchandise prizes of minimal value are awarded; (d) the outcome is not in the control of the operator; (e) the game is played, the winners are determined, and the distribution of prizes is made in the presence of all persons playing in any one such game; and (f) the game is conducted as a part of an agricultural fair, as the same is authorized under chapters 15.76 or 36.37 RCW, after authorization therefor by contract with the appropriate fair officials, and under the supervision and control of the fair management.

(2) "Agricultural fair" means any fair or exhibition authorized under chapters 15.76 or 36.37 RCW."

Renumber subsections (1) and (2) of the bill as (3) and (4).

Senator Wilson moved adoption of the following amendment:

On page 3, section 2, line 20, after "insurance" and before the period insert "nor does it include drawings conducted by business enterprises in connection with business promotions, where there is no charge to enter the drawing or any other charges directly or indirectly related thereto, and it is not necessary to make any purchase to enter the contest and it is not necessary to be present at the drawing to win any of the prizes: PROVIDED, That no sponsoring business firm may conduct more than one such drawing during each calendar year and that the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the first grand opening of any such outlet"

#### POINT OF INQUIRY

Senator Stender: "Will Senator Wilson yield? Senator, I see nothing wrong with the

amendment except why do you provide for a limitation of one a year? Is there some particular reason that is in the amendment?"

Senator Wilson: "I suspect simply to establish some sort of a restraint, Senator, and to improve the prospects of the passage of the amendment."

Senator Stender: "This is not anything where anyone wagers anything. It is just a matter that is a business promotion, as I understand it."

Senator Wilson: "That is correct. I would have no objection to eliminating such a restriction if that were the will of the majority here."

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

Senator Canfield moved adoption of the following amendment:

On page 7, section 2, line 12, strike subsection (13). Renumber subsection (14) as subsection (13).

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Will Senator Canfield yield? Do you think there should be a different standard of morals for gambling at an agricultural fair than gambling in a non-charitable institution?"

Senator Canfield: "I think I am getting trapped by that question, but my whole purpose in introducing Senate Bill No. 878 for fun games at fairs was simply to try to redefine some of these simple little games as non-gambling. I do not think that the morals at fairs are necessarily any higher in the Yakima Valley than in your area but I did not want to run afoul of the law and get our people in difficulties on account of this clause. For instance, Senator, you will notice it says on line 30 that such fair may rent on a fixed fee basis only space for the persons for the conduct of amusement games as defined in this subsection. Most of the fairs rent their space on some kind of a share of profits.

"When I discussed this with Mr. Gorton, he felt that if we operated on a sliding scale, in other words, to share the income on a profit basis, we would be in gross violation of the law and it would subject us to a hundred thousand dollars fine and that gave me the trembles. That is why I wanted this particular phrase stricken as far as agricultural fairs are concerned."

Senator Bailey: "Senator Canfield, then in other words you want to share the profits taken from gambling on the basis of what you have shilled out of the customer rather than on a fixed fee basis?"

Senator Canfield: "In Senate Bill No. 878, Senator Bailey, we have tried to redefine the word and we do not use the word gambling in that bill. We call them fun games for fairs, and I think what we are trying to do in this whole bill that we are discussing here is to redefine what we mean by gambling and what we mean by professional gambling. Some of these simple little things we do I do not think are criminal and that is why I was trying to change this wording somewhat, to get the fairs off the hook. Now if Senator Ridder wants to re-establish this phrase for amusement games other than fairs, I would have no objection."

Further debate ensued.

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, would Senator Canfield yield? Senator, are you speaking specifically of trying to create something here that will allow you or your wife or your children or grandchildren to throw a dart at a balloon and see if he can hit it and are we trying to define or redefine this so that it will not be considered gambling if he misses a balloon?"

Senator Canfield: "That is correct, Senator. When I posed a list of some twenty questions to the attorney general, I asked him that specific question, 'Is throwing a dart at a balloon gambling?' He said, 'Yes.' If it is, I would like to have it redefined, Senator Donohue, so it will not be a criminal offense because I think that is just a little fun game."

Further debate ensued.

There being no objection, Senator Canfield withdrew his amendment.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Ridder moved that the Senate do immediately reconsider the amendment by Senator Canfield to page 3, section 2, line 5 that was adopted.

The motion for reconsideration carried.

There being no objection, the amendment by Senator Canfield was withdrawn.

On motion of Senator Canfield, the following amendment was adopted:

On page 16, section 13, line 25, insert as section 13:

"NEW SECTION. Sec. 13. It shall be lawful to conduct or to participate in any amusement game at any agricultural fair as the same are defined in section 2 of this act and the conduct of or participation in any such amusement game shall not: (1) Be deemed gambling for the purposes of any of the provisions of chapter 9.47 RCW; (2) be deemed a lottery for the purposes of any of the provisions of chapter 9.59 RCW or under Article 2, section 24 of the state Constitution; and (3) be deemed committing or maintaining a public nuisance under any law of this state, nor shall a place where any amusement game as defined in this act be conducted be deemed a public nuisance for the purposes of RCW 9.66.010."

Renumber section 13 as section 14, and renumber the remaining sections consecutively.

Senator Francis moved adoption of the following amendment:

On page 22, insert the following:

"NEW SECTION. Sec. 24. This act shall be submitted to the people for approval or rejection at the next general state election."

Senator Bailey moved that the amendment by Senator Francis be laid upon the table.

Senator Greive demanded a roll call and the demand was sustained by Senators Francis, Talley, Atwood, Ridder, Canfield, Gissberg, Whetzel, Woodall and Connor.

### ROLL CALL

The Secretary called the roll and the amendment by Senator Francis was laid upon the table by the following vote: Yeas, 25; nays, 18; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Gardner, Keefe, Knoblauch, Lewis, McDougall, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Washington, Whetzel, Wilson—25.

Voting nay: Senators Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Herr, Huntley, Jolly, Mardesich, Murray, Peterson (Ted), Scott, Stender, Twigg, Walgren, Woodall—18.

Absent or not voting: Senators Andersen, Durkan, Henry, Holman, McCutcheon—5.

Excused: Senator Metcalf—1.

### POINT OF INQUIRY

Senator Woodall: "Mr. President, would Senator Walgren yield? I was thinking of the indirect author of this bill and it confused me. I note on page 18, section 17, it says, 'any person, association or corporation whether charitable or non-profit or otherwise, who operates a bingo game, raffle,' and so on and then it lists certain crimes, and crime number four is, 'fail to make any report as required by section 8 of this 1971 amendatory act'.

"Now I have no quarrel with the first three penalties which are in this particular bill which has to do with fraud but simply failing to make any report as required shall be fined not more than one hundred thousand dollars or imprisoned more than five years. That is a little more than they rap you on an income tax violation. I want to go back now to section 8 and I wish you and perhaps others would read where it says, 'Failure to make any report as required in section 8.' Now in section 8 it says that anyone who runs bingo, raffles and similar mechanical devices shall be subject to inspection and audit at any reasonable time with or without notice, upon demand by certain people and at that time they must provide him whatever they must determine with reports under oath detailing receipts, disbursements, and so on and so forth.

"Now I am wondering whether or not for a mere failure to file a report upon demand, whether or not in your opinion the penalty of one hundred thousand dollars sets something of an all-time high for a mere crime on non-feasance as distinguished from a crime of malfeasance or misfeasance, and here just because you failed to file a report you can get up to a hundred thousand dollar fine."

Senator Walgren: "Senator Woodall, I would have to agree that this does, in my opinion, make one of the all-time high fines or penalties that might be involved in a crime such as is set out here. This, of course, is just one of the problems that I think you will find in this bill as we pass it. Of course, I know that the people are very much interested in getting an opportunity to come back and play bingo and to participate in raffles and to do those things that have been prohibited to them and taken away from them primarily by the action of the attorney general earlier. This, of course, is just one of them and I am afraid, Senator Woodall, that this type of thing might just come to roost and they are going to be very, very disappointed even though tonight or tomorrow when we finally get around to passing this bill, they are going to be momentarily very happy."

Senator Francis moved adoption of the following amendment:

On page 22, add the following:

"NEW SECTION. Sec. 24. This act shall be of no force and effect unless and until

Senate Joint Resolution No. 5 has been approved by a vote of the people of the state of Washington."

Debate ensued.

#### POINT OF ORDER

Senator Bailey: "Senator Guess is speaking on the amendment that we just tabled about the referendum. We tabled that amendment and I do not think that referendum has anything to do with this subject or whether or not it is legal or not legal at this time. I think he is speaking on the referendum amendment we just tabled."

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Francis yield to a question? Senator Francis, an amendment was placed on the SJR 5 in the House stating that lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature. What would be the effect if your amendment were to pass and the bill were not to receive sixty percent of the vote? Let us say it received fifty-nine percent of each house of the legislature."

Senator Francis: "I do not know, Senator Odegaard. I am wondering if that constitutional amendment is not pretty undesirable from the point of view of those people who want this act to take effect immediately, because that very same sixty percent requirement would also cut off any act that we pass now and I think that both houses had better insure that they pass this by sixty percent if they are going to put on that sixty percent requirement on the constitutional amendment which they are going to put on the ballot."

Senator Odegaard: "Senator Francis, when this bill first passed the House in the regular session, it passed by over a sixty percent majority. But when it passed again in the special session, it passed by—if my arithmetic is right—fifty-nine point some percent."

Senator Francis: "Senator Odegaard, I would not worry too much about that. After all of the amendments that have been put on it by the Senate, I am sure that the bill has been vastly improved and it will get a much larger vote when the House votes to concur."

On motion of Senator Talley, the amendment by Senator Francis was laid upon the table on a rising vote.

Senator Francis moved adoption of the following amendment:

On page 22, following line 1 add a new section as follows:

"NEW SECTION. Sec. 24. This act shall automatically expire, and thereafter be of no force and effect, if SJR 5 is not approved by the people of the state of Washington."

Debate ensued.

#### POINT OF INQUIRY

Senator Bailey: "Would Senator Francis yield? Would you think of changing your amendment to read that this act shall expire on December 31, 1972?"

Senator Francis: "No. I personally would not and I would like to explain my reason for that. I think you are thinking in terms of giving us an opportunity, if the voters pass the constitutional amendment or if they reject it, of coming down here and responding one way or the other. My feeling is on several points. One, I do feel the people should have a right to gamble. In that case I think that you are only going to get their support if they are cut off from gambling before the vote on the constitutional amendment occurs. But secondly, I think whether it is November or December it does not make an awful lot of difference. I think the people should be quite aware of the fact that if there is going to be gambling now, it will be in some form of tolerance and that tolerance will not continue if they defeat a constitutional amendment. I think the cutoff should be exactly on such time as the constitutional amendment is defeated, should it be defeated. I would hope it would not be and all I can say with regard to this amendment is I had hoped that I would be able to withdraw it and that the previous one would be passed. I think that we cannot really in good conscience reject this one."

The motion carried and the amendment was adopted.

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

On page 18, section 17, line 33, before "be" strike "Shall" and insert "As to subsections (1), (2) or (3) shall"

On page 19, line 2, after "both" insert "as to subsection (4) shall be guilty of a gross misdemeanor"

Senator Stortini moved adoption of the following amendment:

On page 22, following line 2 add a new section as follows:

"NEW SECTION. Sec. 25. This 1971 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.”

Debate ensued.

The motion lost and the amendment was not adopted.

On motion of Senator Canfield, the following amendments by Senators Canfield and Ridder were adopted:

On page 7, section 2, line 21, after “persons” strike “placing wagers at” and insert “playing any”

On page 7, line 27, after “such game;” strike everything down to and including “subsection.” on line 32 and insert “or

(g) Is conducted as part of any agricultural fair as authorized under chapters 15.76 or 36.37 RCW.”

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 291, 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.

#### MOTION

On motion of Senator McDougall, Senator Holman was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 291, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Herr, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—34.

Voting nay: Senators Andersen, Dore, Durkan, Foley, Guess, Huntley, Murray, Peterson (Ted), Scott, Washington, Whetzel—11.

Absent or not voting: Senators Henry, McCutcheon—2.

Excused: Senators Holman, Metcalf—2.

ENGROSSED HOUSE BILL NO. 291, 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 11:30 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Thursday, May 6, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-SIXTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Thursday, May 6, 1971.

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 McCutcheon and Newschwander. On motion of Senator McDougall, Senator Newschwander was excused.

The Color Guard, consisting of Pages Maleia Olson, Color Bearer, and Jerry Hopp, presented the Colors. Pastor Glen D. Cole of the First Assembly of God Church of Olympia, offered prayer as follows:

"Heavenly Father, here we are again, looking to You for the strength and help needed for another day. We are grateful for the opportunity to acknowledge You as another session of business begins. The words of Jesus are meaningful to us this morning. . . 'If you human beings who are imperfect know how to be faithful to your children; be sure God who is perfect will never let you down.' How we thank You for this powerful promise, You will never let us down. Through prayer we can be given courage to follow God's plan for the day. Mountain after mountain can move under the power of prayer. We affirm that the key to peace, poise and inner power is prayer. Now move right into these Chambers. Move right into the hearts of these leaders of government. May faith be renewed, through Jesus Christ our Lord. Amen."

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

## REPORTS OF STANDING COMMITTEES

May 5, 1971.

SENATE BILL NO. 145, providing certain powers and duties to the secretary of the department of social and health services relating to veterans' affairs (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Donohue, Dore, Fleming, Foley, Holman, Huntley, Jolly, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Scott, Talley, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

HOUSE BILL NO. 149, revising the Washington public employees' retirement system (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Day, Donohue, Elicker, Fleming, Francis, Herr, Jolly, Lewis, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Talley, Twigg, Walgren, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 501, amending regulation of real estate brokers and salesmen (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Gardner, Huntley, Keefe, McDougall, Newschwander, Stortini, Twigg, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE JOINT RESOLUTION NO. 21, proposing constitutional amendment authorizing new form of city-county government in lieu of present city and county government (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.  
Passed to Committee on Rules and Joint Rules for second reading.

GUBERNATORIAL APPOINTMENT

May 5, 1971.

ROSS PETERSON, to the position of member of the Board of Prison Terms and Paroles appointed by the Governor on April 21, 1971 for the term ending April 15, 1976, succeeding himself (reported by the Committee on Public Institutions):

Recommends that said appointment be confirmed.

Signed by: Senators Odegaard, Chairman; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

Passed to Committee on Rules and Joint Rules.

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 6, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 5 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 37: Providing that no property segregation be made unless all delinquent taxes and assessments have been paid;

SUBSTITUTE SENATE BILL NO. 372: Establishing a state recreation and fire protection trail system.

Sincerely,

CHARLES B. WIGGINS

Legislative Counsel to the Governor.

MESSAGES FROM THE HOUSE

May 5, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 38 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 727 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 172 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 144 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 84 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 254 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 6, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 38,  
HOUSE BILL NO. 84,  
HOUSE BILL NO. 125,  
HOUSE BILL NO. 144,  
HOUSE BILL NO. 172,  
HOUSE BILL NO. 254,  
HOUSE BILL NO. 305,  
HOUSE BILL NO. 357,  
HOUSE BILL NO. 394,  
HOUSE BILL NO. 397,  
HOUSE BILL NO. 414,  
HOUSE BILL NO. 642,  
HOUSE BILL NO. 643,  
HOUSE BILL NO. 727,  
HOUSE BILL NO. 765,  
HOUSE BILL NO. 800,  
HOUSE BILL NO. 841,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 109, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 4, 1971.

Mr. Speaker:  
Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 109, providing for modifiable basic school building plans, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Washington, McDougall and Gardner; Representatives Smythe, Bagnariol and Hatfield.

## MOTION

On motion of Senator Washington, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 5, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 168, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 5, 1971.

Mr. President:  
Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 168, permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available, have had the same under

consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Wilson, Stender and Odegaard; Representatives Hoggins, Bottiger and Kuehnle.

## MOTION

On motion of Senator Wilson, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 5, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 183, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 5, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 183, requiring a claim for mechanics' and materialmen's liens to contain the address of claimant, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Gissberg, Holman and Francis; Representatives Kuehnle, Julin and Knowles.

## MOTION

On motion of Senators Gissberg, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 3, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 181, and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Gissberg; the Senate insists on its position on the Senate amendments to Engrossed House Bill No. 181 and again asks the House to concur in the Senate amendments.

## MESSAGE FROM THE HOUSE

May 5, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 755 with the following amendments:

On page 2, section 1, line 33 after " "Person" " strike "mmeans" and insert "means"

On page 6, section 3, after line 11 following subsection (5) insert a new subsection as follows:

"(6) Neither the registration requirements nor the provisions of section 18(2) of this act shall apply to any franchisor:

(a) Who meets the tests and requirements set forth in subsections (4) (a), (4) (b), and (4) (d) of this section; and

(b) Who is engaged in the business of renting or leasing motor vehicles through an interdependent system of direct and franchised operations in interstate commerce in twenty or more states; and

(c) Who is subject to the jurisdiction of the federal trade commission and the federal anti-trust laws.”

On page 8, section 4, line 33 after “transfers” and before the period insert “, insofar as such information is reasonably available to the franchisor”

On page 9, section 4, line 3 following “may” insert “reasonably”

On page 15, section 18, beginning on line 17, strike all of subsection (2) and insert the following:

“(2) For the purposes of this act and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition for any person to:

(a) Restrict or inhibit the right of the franchisees to join an association of franchisees.

(b) Require a franchisee to purchase or lease goods or services of the franchisor or from approved sources of supply unless and to the extent that the franchisor satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition.

(c) Discriminate between franchisees in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on proper and justifiable distinctions considering the purposes of this act, and is not arbitrary.

(d) Sell, rent, or offer to sell to a franchisee any product or service for more than a fair and reasonable price.

(e) Obtain money, goods, services, anything of value, or any other benefit from any other person with whom the franchisee does business on account of such business unless such benefit is promptly accounted for and transmitted to the franchisee.

(f) If he is the franchisor or subfranchisor, to compete with the franchisee in a relevant market or to grant competitive franchises in the relevant market area previously granted to another franchisee. Such relevant market to be specifically listed in the franchise agreement.

(g) Require franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this act.

(h) Impose on a franchisee by contract, rule, or regulation, whether written or oral, any standard of conduct unless the person so doing can sustain the burden of proving such to be reasonable and necessary.

(i) Fail to renew a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on proper and justifiable distinctions considering the purposes of this act, and is not arbitrary.

(j) Terminate a franchise or to restrict the transfer of a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on proper and justifiable distinctions considering the purposes of this act, and is not arbitrary. Upon termination the franchisee shall receive a fair and reasonable compensation for the value of the franchisee's inventory, supplies, equipment, and furnishings and those prepaid costs and expenses paid the franchisor: PROVIDED, That personalized materials which have no value to the franchisor need not be compensated for.”

On page 20, section 30, line 22 strike “January 1,” and insert “May 1,” and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTIONS

On motion of Senator Woodall, the Senate concurred in the House amendments to Engrossed Senate Bill No. 755.

On motion of Senator McDougall, Senator Newschwander was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 755, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive,

Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Absent or not voting: Senator McCutcheon-1.

Excused: Senator Newschwander-1.

ENGROSSED SENATE BILL NO. 755, 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 5, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 314 with the following amendments:

In line 1 of the title, after "to" strike all material down to and including "resources" on line 2 and insert "lands"

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. The legislature hereby directs that a multiple use concept be utilized by the department of natural resources in the management and administration of state-owned lands under the jurisdiction of the department where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable trust provisions of the various lands involved.

NEW SECTION. Sec. 2. "Multiple Use" as used in this 1971 amendatory act shall mean the management and administration of state-owned lands under the jurisdiction of the department of natural resources to provide for several uses simultaneously on a single tract and/or planned rotation of one or more uses on and between specific portions of the total ownership consistent with the provisions of section 1 of this 1971 amendatory act.

NEW SECTION. Sec. 3. "Sustained Yield Plans" as used in this 1971 amendatory act shall mean management of the forest to provide harvesting on a continuing basis without major prolonged curtailment or cessation of harvest.

NEW SECTION. Sec. 4. The department of natural resources shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program.

NEW SECTION. Sec. 5. Multiple uses additional to and compatible with those basic activities necessary to fulfill the financial obligations of trust management may include but are not limited to:

- (1) Recreational areas;
- (2) Recreational trails for both vehicular and nonvehicular uses;
- (3) Special educational or scientific studies;
- (4) Experimental programs by the various public agencies;
- (5) Special events;
- (6) Hunting and fishing and other sports activities;
- (7) Maintenance of scenic areas;
- (8) Maintenance of historical sites;
- (9) Municipal or other public watershed protection;
- (10) Greenbelt areas;
- (11) Public rights of way;
- (12) Other uses or activities by public agencies;

If such additional uses are not compatible with the financial obligations in the management of trust land they may be permitted only if there is compensation from such uses satisfying the financial obligations.

NEW SECTION. Sec. 6. For the purpose of providing increased continuity in the management of public lands and of facilitating long range planning by interested agencies, the department of natural resources is authorized to identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction. Acreages so withdrawn shall be maintained for the benefit of the public and, in particular, of the public schools, colleges and universities, as areas in which may be observed, studied, enjoyed, or otherwise utilized the natural ecological systems thereon, whether such systems be unique or typical to the state of Washington. Nothing herein is intended to or shall modify the department's obligation to manage the land under its jurisdiction in the best interests of the beneficiaries of granted trust lands.

NEW SECTION. Sec. 7. The department of natural resources is hereby authorized to carry out all activities necessary to achieve the purposes of this act, including, but not limited to:

(1) Planning, construction and operation of recreational sites, areas, roads and trails, by itself or in conjunction with any public agency;

(2) Planning, construction and operation of special facilities for educational, scientific, or experimental purposes by itself or in conjunction with any other public or private agency;

(3) Improvement of any lands to achieve the purposes of this 1971 amendatory act;

(4) Cooperation with public and private agencies in the utilization of such lands for watershed purposes;

(5) The authority to make such leases, contracts, agreements or other arrangements as are necessary to accomplish the purposes of this 1971 amendatory act: PROVIDED, That nothing herein shall affect any existing requirements for public bidding or auction with private agencies or parties, except that agreements or other arrangements may be made with public schools, colleges, universities, governmental agencies, and nonprofit scientific and educational associations.

**NEW SECTION.** Sec. 8. The department of natural resources shall foster the commercial and recreational use of the aquatic environment for production of food, fibre, income, and public enjoyment from state-owned aquatic lands under its jurisdiction and from associated waters, and to this end the department may develop and improve production and harvesting of seaweeds and sealife attached to or growing on aquatic land or contained in aquaculture containers, but nothing in this section shall alter the responsibility of other state agencies for their normal management of fish, shellfish, game and water.

**NEW SECTION.** Sec. 9. The department of natural resources may adopt a multiple use land resource allocation plan for all or portions of the lands under its jurisdiction providing for the identification and establishment of areas of land uses and identifying those uses which are best suited to achieve the purposes of this 1971 amendatory act. Such plans shall take into consideration the various ecological conditions, elevations, soils, natural features, vegetative cover, climate, geographical location, values, public use potential, accessibility, economic uses, recreational potentials, local and regional land use plans or zones, local, regional, state and federal comprehensive land use plans or studies, and all other factors necessary to achieve the purposes of this 1971 amendatory act.

**NEW SECTION.** Sec. 10. The department of natural resources may confer with other public and private agencies to facilitate the formulation of policies and/or plans providing for multiple use concepts. The department of natural resources is empowered to hold public hearings from time to time to assist in achieving the purposes of this 1971 amendatory act.

Sec. 11. Section 32, chapter 255, Laws of 1927 and RCW 79.01.128 are each amended to read as follows:

*In the management of public lands lying within the limits of any watershed over and through which is derived the water supply of any city or town, the department may alter its land management practices to provide water with qualities exceeding standards established for intrastate and interstate waters by the department of ecology: PROVIDED, That if such alterations of management by the department reduce revenues from, increase costs of management of, or reduce the market value of public lands the city or town requesting such alterations shall fully compensate the department.*

*[Whenever any state lands except capitol building lands, lie] The exclusive manner, notwithstanding any provisions of the law to the contrary, for any city or town to acquire by condemnation ownership or rights in public lands for watershed purposes within the limits of any watershed over or through which is derived the water supply of any city or town [in this state, and such city or town shall desire to purchase or condemn the same, it may do so, and, in case of purchase, it shall have the right to purchase the land with the timber, fallen timber, stone, gravel, or other valuable material thereon without a separate appraisalment thereof] shall be to petition the legislature for such authority. Nothing in this 1971 amendatory act shall be construed to affect any existing rights held by third parties in the lands applied for.*

**NEW SECTION.** Sec. 12. Nothing in this 1971 amendatory act shall be construed to affect or repeal any existing authority or powers of the department of natural resources in the management or administration of the lands under its jurisdiction.

**NEW SECTION.** Sec. 13. The department of natural resources may comply with county or municipal zoning ordinances, laws, rules or regulations affecting the use of state lands under the jurisdiction of the department of natural resources where such regulations are consistent with the treatment of similar private lands.

Sec. 14. Section 1, chapter 20, Laws of 1963 and RCW 79.44.003 are each amended to read as follows:

As used in this chapter "assessing district" means:

(1) Incorporated cities and towns;

(2) Diking districts;

(3) Drainage districts;

(4) Port districts;

(5) Irrigation districts; [and]

(6) Water districts;

(7) Sewer districts;

(8) Counties; and

(9) Any municipal corporation or public agency having power to levy local improvement or other assessments which by statute are expressly made applicable to lands of the state.



*NEW SECTION.* Sec. 15. Nothing in this 1971 amendatory act shall be construed to affect, amend, or repeal any existing withdrawal of public lands for state park or state game purposes.

*NEW SECTION.* Sec. 16. (1) The department of natural resources shall design expansion of its land use data bank to include additional information that will assist in the formulation, evaluation, and updating of intermediate and long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape state-wide development patterns and significantly influence the quality of the state's environment. The system shall be designed to permit inclusion of other lands in the state and will do so as financing and time permit.

(2) Such data bank shall contain any information relevant to the future growth of agriculture, forestry, industry, business, residential communities, and recreation; the wise use of land and other natural resources which are in accordance with their character and adaptability; the conservation and protection of the soil, air, water, and forest resources; the protection of the beauty of the landscape; and the promotion of the efficient and economical uses of public resources.

The information shall be assembled from all possible sources, including but not limited to, the federal government and its agencies, all state agencies, all political subdivisions of the state, all state operated universities and colleges, and any source in the private sector. All state agencies, all political subdivisions of the state, and all state universities and colleges are directed to cooperate to the fullest extent in the collection of data in their possession. Information shall be collected on all areas of the state but collection may emphasize one region at a time.

(3) The data bank shall make maximum use of computerized or other advanced data storage and retrieval methods. The department is authorized to engage consultants in data processing to ensure that the data bank will be as complete and efficient as possible.

(4) The data shall be made available for use by any governmental agency, research organization, university or college, private organization or private person as a tool to evaluate the range of alternatives in land and resource planning in the state.

*NEW SECTION.* Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 175, Laws of 1933, section 1, chapter 159, Laws of 1949, section 1, chapter 301, Laws of 1955 and RCW 79.56.010; and

(2) Section 1, chapter 73, Laws of 1939 and RCW 79.56.020."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Holman, the Senate concurred in the House amendments to Engrossed Senate Bill No. 314.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 314, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Absent or not voting: Senator McCutcheon-1.

Excused: Senator Newschwander-1.

ENGROSSED SENATE BILL NO. 314, 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 4, 1971.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 1034 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate refuses to recede from its amendments to House Bill No. 1034 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. 1034 and the amendments thereto: Senators Donohue, Talley and Murray.

## MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 3, 1971.

Mr. President: The House has passed SENATE BILL NO. 185 with the following amendments:

On page 1, line 1 of the title after "units;" and before "providing" insert: "authorizing purchases by counties, cities, towns or metropolitan municipal corporations of developmental rights termed "conservation futures" and certain other interests and rights in real property; providing a method of taxation by counties to finance such purchases;"

On page 1, line 3 of the title after "purposes;" and before "creating" on line 4 insert: "amending section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010;"

On page 1, line 4 of the title after "section;" and before "adding" strike "and"

On page 1, line 5 of the title after "57.08 RCW" and before the period insert "; and adding new sections to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW"

On page 1, line 7 insert the following new sections:

"NEW SECTION. Section 1. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

The legislature finds that the haphazard growth and spread of urban development is encroaching upon, or eliminating, numerous open areas and spaces of varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities, and many others having significant recreational, social, scenic, or esthetic values. Such areas and spaces, if preserved and maintained in their present open state, would constitute important assets to existing and impending urban and metropolitan development, at the same time that they would continue to contribute to the welfare and well-being of the citizens of the state as a whole. The acquisition of interests or rights in real property for the preservation of such open spaces and areas constitutes a public purpose for which public funds may properly be expended or advanced.

NEW SECTION. Sec. 2. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any county, city or town, or metropolitan municipal corporation may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city or town, or metropolitan municipal corporation may acquire the fee to such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

In accordance with the authority granted in section 2 of this 1971 amendatory act, a county, city or town, or metropolitan municipal corporation may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of this 1971 amendatory act, such developmental rights shall be termed "conservation futures". The private owner may retain the right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city or town, or metropolitan municipal corporation may forbid or restrict building thereon, or may require that improvements cannot be made without county, city or town, or metropolitan municipal corporation permission. The land may be alienated or sold and used as formerly by the new

owner, subject to the terms of the agreement made by the county, city or town, or metropolitan municipal corporation with the original owner.

**NEW SECTION.** Sec. 4. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to sections 2 and 3 of this 1971 amendatory act, a county may levy an amount not to exceed one eighth of one mill on the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW 84.52.050.

**NEW SECTION.** Sec. 5. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to section 4 of this 1971 amendatory act. Amounts placed in this fund may be used solely for the purpose of acquiring rights and interests in real property pursuant to the terms of sections 2 and 3 of this 1971 amendatory act. Nothing in this section shall be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property.

Sec. 6. Section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: **PROVIDED**, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: **PROVIDED**, *That in the event of a levy made pursuant to section 5 of this 1971 amendatory act, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to section 5 of this 1971 amendatory act, and*

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation."

Renumber the remaining sections consecutively.

On page 1, section 2 now renumbered as section 8, on line 23 after "section" and before "of" strike "1" and insert "7"

On page 1 following section 2 now renumbered as section 8 insert a new section to read as follows:

**"NEW SECTION.** Sec. 9. 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.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Walgren, the Senate refuses to concur in the House amendments to Senate Bill No. 185 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

May 5, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 540 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Jolly, the Senate refuses to recede from its amendments to Engrossed House Bill No. 540 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. 540 and the amendments thereto: Senators Jolly, Matson and Francis.

## MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 5, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 553 with the following amendments:

On page 1, section 1, line 7, after "may" strike "subject to prior approval by the appropriate court" thus striking the Senate amendment to the Substitute Senate Bill in its entirety

On page 1, section 1, line 8 of the printed bill, being line 9 of the engrossed bill, after "with" strike "such" and insert "any"

On page 1, section 2, line 12 of the printed bill, being line 13 of the engrossed bill, after "may" strike "arrange for the placement of" and insert "place"

On page 1, section 2, line 13 of the printed bill, being line 14 of the engrossed bill, after "with" strike "such" and insert "any"

On page 1, section 2, line 14 of the printed bill, being line 15 of the engrossed bill, after "department" insert "in accordance with RCW 74.15"

On page 1, section 3, line 16 of the printed bill, being line 17 of the engrossed bill, after "Sec. 3" insert "The department is authorized to pay for the cost of care as provided in sections 1 and 2 of this act."

On page 1, section 3, lines 19-20 of the printed bill, being lines 20-21 of the engrossed bill, after "actual cost" strike "to the facility of the minimum requirements of the relevant licensing law and regulations promulgated thereunder" and insert "of maintenance, services and operations relative to the minimum licensing requirements promulgated pursuant to RCW 74.15"

On page 2, section 4, line 4 of the printed bill, being line 5 of the engrossed bill, after "child" and before "delinquent" strike "either dependent or"

On page 2, section 4, line 14 of the printed bill, being line 15 of the engrossed bill, after "other party" strike "withstanding" and insert "with standing", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 553.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-44.

Absent or not voting: Senators Durkan, Fleming, Foley, Francis, McCutcheon-5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 553, 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 5, 1971.

Mr. President: The House has passed SENATE BILL NO. 629 with the following amendment:

On page 1, section 1, line 14 after "responsible bidder." insert the following new paragraph:

"The department of highways shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Senate Bill No. 629.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 629, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 7.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-42.

Absent or not voting: Senators Connor, Durkan, Fleming, Francis, Greive, McCutcheon, Murray-7.

SENATE BILL NO. 629, 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.

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

#### SENATE RESOLUTION: 1971-EX-70

By Senators Woodall, Fleming, Gissberg and Twigg:

WHEREAS, The Legislature has taken steps to improve the judicial processes in the state; and

WHEREAS, The District Court Judges are presently receiving retirement benefits considerably below those being received by other judges of the state; and

WHEREAS, The Forty-second Legislature deems it advisable that the Forty-third Legislature be fully informed as to the cost of improving the retirement benefits for District Court Judges;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the State Public Pension Commission is hereby requested to conduct a study on the cost and feasibility of having the District Court Judges covered by the provisions of the same retirement act as the judges of the other courts of the state and to make a full report of such study, together with recommendations for action, to the Forty-third Regular Session of the Legislature; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to said Public Pension Commission.

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

#### SENATE RESOLUTION: 1971-EX-71

By Senator Odegaard:

WHEREAS, Leonard C. "Bud" Merta has been honored by the Small Business Administration as recipient of the Small Business Man-of-the-Year award for the state of Washington; and

WHEREAS, This major award is the measure of the individual's contributions to his community, to the state and to the nation; and

WHEREAS, The story of Leonard C. "Bud" Merta's achievements is remarkable by any standards: Three years ago Leonard C. "Bud" Merta founded Moduline Industries, Inc., at Chehalis, Washington, with 30 employees and today has developed his firm into the largest

basic manufacturing industry in Lewis County, Washington and the largest manufacturing facility of mobile homes in the state of Washington, with a payroll of \$1,700,000 annually, and with national and international sales; and

WHEREAS, Moduline Industries, Inc., is a significant factor in the stability of the economy and growth of employment in Lewis County, Washington; and

WHEREAS, The export of Moduline Homes strengthens the position of the state of Washington economically; and

WHEREAS, This product contributes to the solution of the nation's low cost housing problems;

BE IT, THEREFORE RESOLVED, That Leonard C. "Bud" Merta be congratulated on being designated Small Business Man-of-the-Year for the state of Washington; and

BE IT FURTHER RESOLVED, That Leonard C. "Bud" Merta be commended for his contribution to the economy of Lewis County and of the state of Washington, that reflects great credit on himself, his firm and its employees and the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Leonard C. "Bud" Merta.

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

#### SENATE RESOLUTION: 1971-EX-72

By Senators Day and Ridder:

WHEREAS, The profession of physical therapists recognizes a need for qualified assistants; and

WHEREAS, Green River Community College has a program for training physical therapist assistants, and Spokane Community College is in the process of developing such a program; and

WHEREAS, State licensing laws currently forbid the utilization of physical therapist assistants;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council, through its Committee on Health, is requested to undertake a study of the need for, training, qualifications and employability of physical therapist assistants in Washington.

BE IT FURTHER RESOLVED, That the results of this study, together with any recommendations, shall be presented to the next regular session of the Legislature, or to the next ensuing session if such study is completed at the time of the calling of such ensuing session of the Legislature.

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

#### SENATE RESOLUTION: 1971-EX-73

By Senators Holman and Mardesich:

WHEREAS, It is in the paramount interest of the general public to simplify, clarify, and modernize the law concerning retail installment sales, consumer credit, small loans, and usury; and

WHEREAS, It is also in the public interest to provide rate ceilings which will assure an adequate supply of credit to consumers; and

WHEREAS, The Legislature desires to further consumer understanding of the terms of credit transactions and to foster competition among suppliers of consumer credit so that consumers may obtain credit at reasonable cost; and

WHEREAS, The Legislature further desires to protect consumer buyers, lessees, and borrowers against unfair practices by some suppliers of consumer credit, having due regard for the interests of legitimate and scrupulous creditors; and

WHEREAS, It would benefit the economy of the State to permit and encourage the development of fair and economically sound consumer credit practices; and

WHEREAS, It is important to conform the regulations of consumer credit transactions to the policies of the Federal Consumer Credit Protection Act; and

WHEREAS, It is also desirable to make uniform the law on this subject, including administrative rules, among the various jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Interim Committee on Banking, Insurance, and Utility Regulation to undertake a study of the Uniform Consumer Credit Code, as presented to the 42nd Legislature by Senate Bill 213, and to determine if such legislation would fulfill the goals set forth in this resolution; and

BE IT FURTHER RESOLVED, That the Committee is requested to report its findings and recommendations from such study to the next session of the Legislature, whether such session be regular or extraordinary.

Senator Scott moved adoption of the following resolution:

## SENATE RESOLUTION: 1971-EX-74

By Senators Scott, Gardner, Bailey, Holman, Elicker, Murray, Washington, Ridder, Peterson (Ted), Metcalf, Canfield, Newschwander, Clarke, Odegaard, Francis, Dore, Fleming, Foley, Whetzel, McDougall, Atwood, Day and Andersen:

WHEREAS, Given the existence of reliable high speed devices for calling roll, the Senate is at present spending an unnecessarily large portion of its time in session on oral calling of the roll; and

WHEREAS, The present practice of calling roll orally is wasteful of the Senate's time and injects needless inefficiency and expense into state government;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that an electric roll-call device be installed in the Senate before January 1, 1972, to be used at the special session which may be called in January, 1972 and at each session thereafter.

## MOTION

Senator Lewis moved that Senate Resolution 1971-EX-74 be referred to the Committee on Ways and Means.

Debate ensued.

## POINT OF INQUIRY

Senator Canfield: "Mr. President, would Senator Scott yield to a question? Senator, some of us were in the House when the House considered the electric system there and we felt, at least in that body, it had quite a few advantages and also some problems arose, some of which you have mentioned.

"I would be hopeful that your resolution would also include not just precipitious action but would give to some committee the authority to investigate these different systems and to recommend the best one for the least money. There is nothing in the resolution that includes that and I hope that would be your intent."

Senator Scott: "My intent, Senator Canfield, and the understanding is that this resolution would be directed to the legislative council which would investigate all of the options prior to considering the purchase of any machine. If it would put you more at ease I would be happy to so amend the resolution."

Further debate ensued.

The motion by Senator Lewis carried and the resolution was referred to the Committee on Ways and Means.

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

## SENATE RESOLUTION: 1971-EX-75

By Senators Francis and Guess:

WHEREAS, The people of this state have a right to know what instructional materials are being used by the schools of this state in the education of their children; and

WHEREAS, The education the children of this state receive is of utmost concern to their parents; and

WHEREAS, The instructional materials used in the education of children should be open to the inspection of their parents without undue and unreasonable restrictions; and

WHEREAS, In some cases these instructional materials have not been made available to some parents upon their request;

NOW, THEREFORE, BE IT RESOLVED, That the Senate requests the Superintendent of Public Instruction to promulgate and adopt rules and regulations to be used as guidelines by the boards of directors of the school districts of this state to allow any parent, guardian, or person having control or custody of any student enrolled in the common schools, upon written request, to review and examine all instructional materials of whatever nature, whether audible or visual, used or to be used in any course of instruction in which his child or children may be enrolled except examination materials in advance of the date of examination.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Superintendent of Public Instruction.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, by Committee on Elections and Apportionment: Implementing laws relating to elections.

The Senate resumed consideration of Engrossed Substitute House Bill No. 433 and a motion by Senator Holman that the committee amendment to page 10 be not adopted.

Debate ensued.

The motion carried and the committee amendment to page 10 was not adopted.

On motion of Senator Holman, the following amendment was adopted:

On page 10, of the printed and engrossed bills add a new section following section 12 as follows:

*"NEW SECTION. Sec. 13. The provisions of this 1971 amendatory act relating to "special voters", as that term is defined in section 3 of this 1971 amendatory act, shall cease to be effective upon the adoption and ratification of an amendment to the constitution of the United States, establishing the minimum age requirement for voting in state and local elections at eighteen years of age: PROVIDED HOWEVER, That if at the time of such adoption and ratification there is less than fifteen days, Saturdays and Sundays excepted, in which to register for voting prior to either an approaching state primary election, or state general election, as the case may be, the voting procedure for "special voters" insofar as the one primary or election is concerned will remain essentially the same except that all properly executed applications received by the secretary of state shall be forwarded to the appropriate county auditor who, in turn, will honor same as an application for a mailed ballot to be issued, received and counted in the same manner as absentee ballots for that election."*

Renumber the remaining section consecutively.

#### MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 433 was ordered placed at the end of the second reading calendar for today.

ENGROSSED HOUSE BILL NO. 567, by Representatives Bagnariol, Barden and Merrill:

Providing for merger of sewer districts into water districts.

The Senate resumed consideration of Engrossed House Bill No. 567 and the pending amendment by Senator Whetzel.

There being no objection, that portion of the pending amendment following sec. 9 was withdrawn.

The Senate resumed consideration of the following amendment by Senator Whetzel:

On page 5, following section 7, add two new sections as follows:

"Sec. 8. Section 1, chapter 261, Laws of 1961 and RCW 56.08.100 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, [other than life insurance] including term life insurance, for the benefit of its employees and/or commissioners and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance [other than life insurance,] and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Sec. 9. Section 2, chapter 261, Laws of 1961 and RCW 57.08.100 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, [other than life insurance] including term life insurance, for the benefit of its employees and/or commissioners and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance [other than life insurance,] and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof."

#### POINT OF INQUIRY

Senator Holman: "Will Senator Whetzel yield? Senator, in the third line of the text of the first amendment, you have stricken 'other than life insurance' so that it now appears that they may provide group insurance including term life."

Senator Whetzel: "Yes."

Senator Holman: "I would assume now that they could also provide group life, other types of life insurance which might have more than the term feature and might have an



endowment or some other factor in there and thereby really involve granting a sort of an investment privilege to the employees. Is that your intention?"

Senator Whetzel: "No, I think it is strictly limited to term life insurance. As you may know, many medical insurance policies include a group feature. Many union contracts have these with their medical—as kind of a package program. I know that the private insurance I have, in my private employment which is with one carrier, is both a medical disability coverage and includes a group term life insurance part of that.

"I think the purpose of this in the policies is if the employee dies while he is employed during the term of employment, the employer is very happy to have this because it avoids the necessity of dipping into the funds to pass some kind of special thing for the widow and kind of in lieu of a pension arrangement. I think that is all that they are trying to get at here."

Senator Holman: "I would like to pursue that because I think that is what they are trying to get at but I do not think they have said that. I think you have now opened it up, while you have said 'including term life insurance,' you have not limited to that. I think there should be some more exclusionary language to eliminate finally any question that there might be other types of life insurance that could be included."

Senator Whetzel: "Senator Holman, I am not certain I agree with you. The language of this clearly says it can only be contracts for health care services and/or group insurance. I suppose you could work out a permanent group policy but I have never heard of one. They are always term insurance. Then the life insurance is modified by the word 'term' so I do not think they could go beyond that. If they went beyond just the straight term life into with some whole life features, it is true many term life insurance policies have a conversion feature but this is not something that the employer picks up usually. It is something at the option of the employee when he has terminated his employment that he can pick up and I do not think that—certainly I do not intend that this goes beyond the term feature."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Whetzel yield? Senator, this organization would not come under the National Labor Relations Board, is that right?"

Senator Whetzel: "I just cannot say, Senator Guess."

Senator Guess: "Thank you, Senator."

Senator Mardesich moved adoption of the following amendment:

Amend the Whetzel amendment to page 5, following section 7, as follows:

On line 6 of the amendment strike "including" and insert "and/or"

On line 5 of section 9 of the amendment, strike "including" and insert "and/or"

#### POINT OF INQUIRY

Senator Guess: "Would Senator Mardesich yield? Senator, I still cannot quite comprehend what the impact of this is going to be."

Senator Mardesich: "The impact, if I might Mr. President, would be to solve the question raised by Senator Fleming as to whether or not this type of group insurance exists. And if the and/or was included within—put in there in place of 'including', I suggest that it could be some type other than group and therefore would solve the problem raised by Senator Holman.

"As to your objection, it would also take out the directive nature and make it an alternative possible program so that there could be one program applying to the commissioners and another for his employees and solve the problem you raised, if in fact the problem exists."

The motion by Senator Mardesich carried and the amendment to the amendment was adopted.

The amendment by Senator Whetzel, as amended, was adopted.

On motion of Senator Whetzel, the following amendment to the title was adopted:

Beginning on line 1 of the title after "districts;" strike everything down to and including "districts;" on line 3 and insert "amending section 1, chapter 261, Laws of 1961 and RCW 56.08.100; amending section 2, chapter 261, Laws of 1961 and RCW 57.08.100;"

On motion of Senator Whetzel, the rules were suspended, Engrossed House Bill No. 567, 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 Holman: "Will Senator Ridder yield? Senator, have you checked with anyone in the House to see whether when this bill goes back with this amendment on it might be challenged on the ground of scope and object?"

Senator Ridder: "No, we have not checked. I would refer this question to Senator Whetzel. I believe that he has a little bit more ground work than I on the amendment."

Further debate ensued.

President Pro Tempore Henry assumed the Chair.

#### POINT OF INQUIRY

Senator Andersen: "Would one of the sponsors explain something that remains somewhat of a mystery to me and that is, what exactly is the reason why this legislature should authorize sewer district commissioners and water district commissioners to use public funds to provide for themselves health care services, group insurance, life insurance and that kind of thing? This looks to me like an additional tax. Is there some compelling urgency? Is this job so difficult and so onerous that we have to load up the people that are paying the freight on this with all these additional expenses?"

Senator Whetzel: "Senator Andersen, I think that being elected officials they are probably in no particularly different situation than members of the legislature who have available to them a health care plan paid by tax funds, and in this case it is not tax funds in most instances. In water and sewer districts, they are dealing with revenues of services. They are elected and I think if they go overboard and indulge in something that is too elaborate in taking care of themselves, the voters will take care of them as they probably would take care of us if we enriched ourselves too much."

#### POINT OF ORDER

Senator Bailey: "I have been harping on these questions in the record for a long time and I think Senator Andersen's are not questions, they are arguments for or against the bill and I think they are highly improper under the form of questioning."

Senators Talley, Bailey and Greive demanded the previous question and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the final passage of Engrossed House Bill No. 567, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 567, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; absent or not voting, 3.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Talley, Washington, Whetzel—27.

Voting nay: Senators Andersen, Atwood, Clarke, Donohue, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Newschwander, Odegaard, Sandison, Stortini, Twigg, Walgren, Wilson, Woodall—19.

Absent or not voting: Senators Francis, McCutcheon, Mardesich—3.

ENGROSSED HOUSE BILL NO. 567, 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 ORDER

Senator Gissberg: "My point of order is that Rule 3 prohibits what is going on up at the desk right now and it started yesterday and it is pretty bad. I do not think that when the roll is being taken or counted that Senators should be up at the desk. It is very confusing, not only to the clerk but everybody here on the floor. Rule 3 specifically prohibits it."

#### RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "Senator Gissberg's point is well taken."

## SECOND READING

SENATE BILL NO. 291, by Senators Washington, Huntley, Walgren and McDougall (by departmental request):

Amending state highway route descriptions.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Senate Bill No. 291 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. 291, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Keefe, McCutcheon, Talley—3.

SENATE BILL NO. 291, having received the constitutional 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. 40 was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.

ENGROSSED HOUSE BILL NO. 77, by Representatives Beck, Wolf and Cunningham (by departmental request):

Providing certain changes in the regulation of motor vehicle dealers.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 77 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. 77, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Francis, McCutcheon, Matson, Talley—4.

ENGROSSED HOUSE BILL NO. 77, having received the 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 HOUSE BILL NO. 82, by Representatives Moon, Newhouse, Bledsoe and Benitz (by Legislative Council request):

Removing the tax exemption on steam plants owned or operated by joint operating agencies and requiring existing facilities to negotiate amounts due.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 82 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. 82, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Durkan, Francis, McCutcheon, Talley—4.

ENGROSSED HOUSE BILL NO. 82, having received the constitutional 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. 140 was ordered placed at the end of today's second reading calendar.

#### SPECIAL ORDER OF BUSINESS

##### SECOND READING

HOUSE BILL NO. 721, by Representatives Newhouse, Moon, Thompson and Berentson:

Directing negotiations for sale of certain trust lands to state parks and recreation commission for recreation purposes.

The time having arrived, the Senate resumed consideration of House Bill No. 721 and the pending amendment to page 1 by Senator Bailey as proposed on Wednesday, May 5, 1971.

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

On motion of Senator Bailey, the following amendment to the title was adopted:

On line 2 of the title after "commission;" insert "adding a new section to chapter 8, Laws of 1965 and to chapter 43.51 RCW;"

On motion of Senator Bailey, the rules were suspended, House Bill No. 721, 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. 721, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 6.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray,

Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Day, Dore, Durkan, McCutcheon, Talley—6.

HOUSE BILL NO. 721, 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 Whetzel, Engrossed Substitute House Bill No. 142 was made a special order of business immediately following noon recess.

ENGROSSED HOUSE BILL NO. 229, by Representatives Copeland, Bottiger and Hurley (by departmental request):

Amending various items concerning public service companies.

#### REPORT OF STANDING COMMITTEE

May 5, 1971.

ENGROSSED HOUSE BILL NO. 229, amending various items concerning public service companies (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, line 21, after "towns," and before "is vested" strike "*and at county road crossings*" and insert "*and at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns.*"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Keefe, Knoblauch, Stortini.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendment was adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 229, 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. 229, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 5.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Dore, Durkan, McCutcheon, Stender, Talley—5.

ENGROSSED HOUSE BILL NO. 229, 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.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, by Committee on Transportation:

Providing for suspended sentences for driving while intoxicated.

#### REPORT OF STANDING COMMITTEE

May 3, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, providing for suspended sentences for driving while intoxicated (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, of both the printed and engrossed bill, following section 1, strike the remainder of the bill.

On line 3 of the title of both the printed and engrossed bill, after "RCW 46.61.515" strike the remainder of the sentence down to the period on line 4.

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

Senator Gissberg moved adoption of the committee amendment to page 2.

Debate ensued.

#### POINT OF INQUIRY

Senator Holman: "Would Senator Gissberg yield? Senator, I was not at the Judiciary Committee meeting where the amendment was put on to strike this particular part of the bill and I rather felt when I heard that it was stricken, that I probably would not have gone along with it, but I did not have strong feelings. But now it appears that the committee amendment may not be adopted and so this will be in here.

"Now I have to raise a question with you that I otherwise would not have. I refer you to section 4 on page 3, line 18 which is a proviso saying that where more than one described offense shall be committed within a six-hour period, such multiple offenses shall on the first such occasion be treated for the purposes of this chapter as one offense if the person charged has no record of prior offenses chargeable under this chapter. It is the last clause that I am concerned with. 'If the person charged has no record of prior offenses chargeable under this chapter.'

"First I thought that 'chargeable under this chapter' meant the chapter in RCW which probably had several offenses that you could be charged with, but now I tend to believe that we are talking about a new chapter and I am wondering what other offenses are chargeable under this chapter, referring to this particular bill. The only offense here is being an habitual offender and I do not quite see, if you have been an habitual offender, does this mean you had this treatment and you have been denied your rights for five years, then got them back and then you can come back in here and that is what this applies to? I just do not know what that means."

Senator Gissberg: "I do not know."

#### MOTIONS

Senator Holman moved that Engrossed Substitute House Bill No. 321 be placed at the end of today's second reading calendar.

Senator Atwood moved that Engrossed Substitute House Bill No. 321 be returned to the Committee on Rules and Joint Rules.

#### POINT OF ORDER

Senator Woodall: "There is a motion pending by Senator Holman that the bill be placed at the end of today's second reading calendar."

#### RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The point of order is well taken."

The motion by Senator Holman carried and Engrossed Substitute House Bill No. 321 was ordered placed at the end of today's second reading calendar.

#### SECOND READING

HOUSE BILL NO. 403, by Representatives Kopet, May and Pardini:  
Authorizing the issuance of revenue warrants under the Municipal Airports Act of 1945.

The bill was read the second time by sections.

On motion of Senator Twigg, the rules were suspended, House Bill No. 403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## MOTIONS

On motion of Senator Durkan, House Bill No. 403 was made a special order of business at 4:00 p.m. today on third reading.

On motion of Senator Bailey, House Bill No. 438 was ordered placed on the second reading calendar immediately following consideration of Engrossed Substitute House Bill No. 461.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, by Committee on State Government:

Providing for the registration and regulation of lobbyists.

## REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, providing for the registration and regulation of lobbyists (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, following the enacting clause strike the remainder of the bill and insert the following:

"Section 1. Section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010 are each amended to read as follows:

When used in this chapter:

(1) [The term "contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution, given with the intent of influencing the passage or defeat of any pending or proposed legislation:

[2) The term "expenditure" includes a payment, *contribution*, *subscription*, *distribution*, *loan*, *advance*, *deposit*, or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure [.] ;

[3) (2) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term does not include a member or member-elect of either house of the state legislature or other state elected officials;

[4) (3) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the legislature;

(4) *The terms "lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington by influencing or attempting to influence any legislator other than the legislators representing the district wherein such person maintains his permanent residence;*

(5) *The term "lobbyist" means a person who shall lobby either on his own or another's behalf, except as provided in section 3 of this 1971 amendatory act;*

(6) *The term "lobbyist's employer" means the person or persons by whom or on whose behalf the lobbyist is employed, and all persons by whom he is compensated for acting as a lobbyist;*

(7) *The term "code reviser" means the person so designated under the provisions of chapter 1.08 RCW;*

(8) *The terms "senate board of ethics" and "house board of ethics" mean the boards designated and defined in RCW 44.60.010.*

Sec. 2. Section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020 are each amended to read as follows:

(1) [Any person who shall be engaged for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington or the approval or veto of any legislation by the governor of the state of Washington shall register with the president of the senate and the speaker of the house before doing anything in furtherance of such object and shall give to such officers in writing and under oath a statement showing] *Before doing any lobbying a lobbyist shall register by filing with the code reviser a lobbyist registration statement executed under oath on a prescribed written form, for each of his employers, showing:*

(a) Name [or] , *permanent residential or business address; and residential or business address during the legislative session;*

(b) Name and address of the [person or persons by whom he is employed and in whose interest he appears or works and by whom he is compensated] *lobbyist's employer;*

(c) *The duration of such employment;*

(d) *If employed as a lobbyist, 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 compensated employment is solely for lobbying purposes;*

(e) *A written authorization from [each person by whom he is so employed] the lobbyist's employer confirming such employment;*

(f) *Name and address of the person, if other than the lobbyist or his employer, who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept by section 7 of this 1971 amendatory act;*

(g) *The general area or areas of his legislative interest.*

(2) [In addition, any person as described in subsection (1) above shall similarly file not later than sixty days after the adjournment of each regular and extraordinary session of the legislature a statement which shall contain the total of all contributions and expenditures made, incurred, or expended for the purposes described in this section exclusive of personal living and travel expenses: PROVIDED, HOWEVER, That when an extraordinary session follows immediately after a regular session such statement shall be filed not later than sixty days after the adjournment of the extraordinary session.

(3) Each statement required by this section shall be made on forms agreed upon by the president of the senate and the speaker of the house, a duplicate copy of which shall be filed with and preserved by the secretary of state for a period of three years as a public record open to public inspection.] *On each Friday that the legislature is in session, the code reviser shall publish a list of the names of all lobbyists whose registration is then in effect and the names and addresses of the lobbyists' employers, and shall deliver a copy of this list to the governor, the president of the senate, the speaker of the house, the attorney general, the secretary of state, and the president of the capital correspondents' association.*

(3) *Whenever a change, modification, or termination to the lobbyist's employment occurs, the lobbyist shall within one week of such change, modification, or termination furnish full information regarding the same by filing with the code reviser an amended registration statement.*

(4) *The registration of all lobbyists shall terminate with the adjournment of the legislative session for which the lobbyist has registered: PROVIDED, HOWEVER, That the registration of all lobbyists shall continue in effect through the duration of any extraordinary session convened not more than ten days following the adjournment of any regular or other extraordinary session of the legislature.*

Sec. 3. Section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030 are each amended to read as follows:

The following activities shall not be deemed to require compliance with [RCW 44.64.020] sections 2, 5, 8(1) nor 8(5) of this 1971 amendatory act:

(1) [The activities or appearance of a person promoting or opposing the passage of any legislation or its approval or veto by the governor, in his own behalf and not as a representative, agent or employee of another person] *Lobbying without compensation or other consideration by a person in his own personal behalf, or as a member of a business, profession, occupation or other group where no different benefit or detriment will accrue to that person because of his membership than will accrue to any other member of such business, profession, occupation, or group;*

(2) *Providing professional services in the drafting of legislative measures or in advising [clients] and rendering opinions to clients as to the construction and effect of proposed or pending legislation, or in communicating with members of the legislature or the governor in connection therewith;*

(3) *Appearing or testifying [before] at a meeting of any committee of the legislature in support of or in opposition to any legislation;*

(4) *Giving testimony [at committee hearings upon the request of the legislature or a committee or a member thereof;*

(5) *Giving testimony or contacting legislators by government employees as a part of their official duties] or contacting legislators by gubernatorial appointees in the discharge of their official duties; [or*

(6) *(5) News or feature reporting activities by working members of the press, radio, or television; or*

(6) *Communicating, orally or in writing, to a legislator in response to an inquiry received from such legislator, or participating, at a legislator's express or implied request, in any discussion of legislation initiated by such legislator.*

Sec. 4. Section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040 are each amended to read as follows:

No agreement to [accomplish any purpose set forth in RCW 44.64.020] lobby shall be enforceable and no action shall be brought thereon where payment of all or any part of the compensation under said agreement depends in any manner upon the passage or defeat or executive approval or veto of any legislation, or upon any other contingency in connection with legislation: PROVIDED, That this section shall not apply to those agreements made between attorney and client in connection with claims against the state of Washington.

Sec. 5. Section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060 are each amended to read as follows:

The [attorney general] *senate board of ethics and house board of ethics designated in chapter 44.60 RCW shall enforce the provisions of this chapter [and shall prosecute, or may delegate to the appropriate prosecuting attorney the prosecution of all violations of this chapter: PROVIDED, That this section shall not preclude actions for the recovery of damages.] with the assistance of the attorney general. Each board shall have the following powers, duties, and functions:*

(1) *The boards jointly, with the advice and assistance of a member of the attorney general's staff, shall adopt procedural rules and guidelines for processing complaints and notifications of violations including, but not limited to, rules for the preservation of confidentiality when necessary and in the public interest.*



(2) Upon the written complaint of any person who has reason to believe that there is or has been a violation of this 1971 amendatory act, or whenever in the board's judgment the public interest requires, either board may cause the attorney general to investigate the activities of any lobbyist or other person when there is reason to believe he is or has been acting in violation of this 1971 amendatory act, or to authorize the attorney general to bring immediate civil action as provided in this act.

(3) When the attorney general investigates any lobbyist or other person as directed by either the senate board of ethics or house board of ethics he may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated by the attorney general in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents related to the expenditures statement required by section 7 of this 1971 amendatory act. When the attorney general requires the attendance of any person to obtain such lobbying information or the production of the lobbyist's accounts, bills, receipts, books, papers and documents required to be preserved by section 7 of this 1971 amendatory act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) When the attorney general finds that a lobbyist has violated or is violating any provisions of this 1971 amendatory act he shall report his findings and recommendations to the board directing the investigation.

(5) When the senate board of ethics or house board of ethics has reason to believe that a lobbyist has violated or is violating any provision of this 1971 amendatory act, either board may request the attorney general to bring a civil action to revoke such lobbyists' registration and enjoin his lobbying activities. A lobbyist whose registration is revoked shall be enjoined from all lobbying activities for a period of not less than two years: PROVIDED, HOWEVER, That revocation of a lobbyist's registration does not excuse said lobbyist from filing the statements required under section 7 of this 1971 amendatory act.

(6) When the senate board of ethics or house board of ethics has reason to believe that a lobbyist has failed to file any statement required by section 7 of this 1971 amendatory act, or that a lobbyist has filed any such statement reporting less than the amount required to be reported, either board may request the attorney general to bring an action in the name of the state to require the filing of the required statement or information. If the state prevails in such action, there may be awarded as a judgment to the state for its general fund an amount not more than treble the difference between the amounts the lobbyist failed to disclose or file and the amounts the lobbyist actually disclosed or filed as having been made or incurred in connection with his lobbying activities; and the court may, in addition, award to the state all costs of investigating and trial, including a reasonable attorney's fee to be fixed by the court. If damages or treble damages are awarded in such action, the judgment may be awarded against the lobbyist, the lobbyist's employer or employers joined as defendants, jointly, severally, or both.

(7) The senate board of ethics or house board of ethics may by general rule authorize the attorney general to serve written notice upon any person whenever the attorney general has reason to believe that person is or has been violating section 2 of this 1971 amendatory act by carrying on lobbying activities without having registered, which notice shall direct such person to respond within twenty-four hours of receipt of such notice and show cause why he should not register or be enjoined from all lobbying activities. An action to enjoin such person's lobbying activities may be brought by the attorney general if the person does not register and the attorney general does not receive a satisfactory response as directed.

**NEW SECTION.** Sec. 6. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

The powers and duties of the attorney general pursuant to this 1971 amendatory act are in addition to his existing powers and duties and shall not be construed to limit or restrict the exercise of his powers or the performance of his duties under any other provision of law.

**NEW SECTION.** Sec. 7. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

(1) Any lobbyist registered according to section 2 of this 1971 amendatory act shall file with the code reviser not later than sixty days after the expiration of his lobbyist registration, whether by termination of employment or adjournment of any session of the legislature, a complete and detailed statement upon a prescribed form showing:

The totals of all expenditures made or incurred by or on behalf of such lobbyist during the legislative session, which totals shall be segregated according to financial category, including but not limited to the following: Entertainment, including food and refreshments; advertising; contributions; and other expenses or services: PROVIDED, HOWEVER, That a

lobbyist's personal living and travel expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities need not be reported.

The reporting period of the statement required by this subsection shall be the duration of each legislative session: PROVIDED, HOWEVER, That when an extraordinary session follows immediately after a regular session, the reporting period of the statement required by this subsection shall be the duration of both the regular and the extraordinary sessions, and such statement shall be filed not later than sixty days after the adjournment of the extraordinary session.

(2) Within ninety days after the termination of all lobbyist registrations by the adjournment of the legislature, the code reviser shall publish a report showing each person who has registered as a lobbyist since the last such report, and shall deliver a copy of such report to the governor, the president of the senate, the speaker of the house, the president of the capitol correspondents' association, the attorney general and the secretary of state. The report shall contain:

- (a) The lobbyist's name and permanent address;
- (b) The name and address of all employers listed by such lobbyist;
- (c) The total of all expenditures by category reported by such lobbyist.

The secretary of state shall file and preserve such report for a period of three years as a public record open to public inspection.

**NEW SECTION.** Sec. 8. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

A lobbyist has the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject the lobbyist to other civil liabilities, as provided by this 1971 amendatory act.

A lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this 1971 amendatory act for a period of at least two years from the date of the filing of the statement containing such items: PROVIDED, That if the lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

In addition, a lobbyist shall not:

- (1) Engage in any activity as a lobbyist in any session before registering as such;
- (2) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;
- (3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;
- (4) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest.

Sec. 9. Section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030 are each amended to read as follows:

The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house [and], the conduct of employees of its own house, and the activities of legislative lobbying regulated under chapter 44.64 RCW.

**NEW SECTION.** Sec. 10. Section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050 are each repealed.

**NEW SECTION.** Sec. 11. The enactment of this 1971 amendatory act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective. Nothing in this 1971 amendatory act shall be construed to in any way limit the power of the senate and house of representatives, or either of them, to adopt additional or supplementary rules regarding lobbying activities nor limit the right of any person to recover damages from any other person on account of any violation of this 1971 amendatory act.

**NEW SECTION.** Sec. 12. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly, Lewis.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

## POINT OF INQUIRY

Senator Holman: "Would Senator Walgren yield? Senator, what penalties are there then for violation of the act if you have stricken the law with respect to criminal penalties?"

Senator Walgren: "I do not think I said that we have stricken the law."

Senator Holman: "Section 10 of the bill, as I read it, repeals section 5."

Senator Walgren: "New section, section 11, provides that nothing in this 1971 amendatory act shall be construed in any way to limit the power of the Senate and the House of Representatives and also provides that the enactment of this 1971 amendatory act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which shall already be in existence at the date this act becomes effective."

Senator Holman: "I understand that but on page 11 of the committee amendment on line 2, that section 5 of the present act is repealed. That is the act that places criminal penalties, so there will be no more criminal penalties."

Senator Walgren: "The specific criminal penalties with regard to lobbying activities are stricken by this repealing action, but as to any other criminal penalties that may be in existence at the time that this act is adopted, they are still in effect."

Senator Holman: "No, but future violations of this act have no criminal sanction, is that correct?"

Senator Walgren: "In this particular act that is correct."

Senator Holman: "Could you explain why that is?"

Senator Walgren: "The change that was suggested and was made was to provide that the board of legislative ethics of both the Senate and the House, together with the attorney general's office would be in a position to prescribe various civil penalties for violations of the act which are found on pages 6 and 7 of the pink sheet."

Further debate ensued.

#### MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 457 was ordered placed at the end of today's second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, by Committee on Revenue and Taxation:

Providing penalties for late payment of excise taxes.

The bill was read the second time by sections.

On motion of Senator Durkan, the rules were suspended, Engrossed Substitute House Bill No. 461 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 Canfield: "Mr. President, would Senator Donohue yield? I just received a fiscal impact statement on this bill and the biennial total given to me is twenty-seven million eight hundred thousand dollars."

Senator Donohue: "I have a sheet here from Office of Program Planning and Fiscal Management that I received this morning and it shows a fifty-three million dollar impact for the biennium."

Senator Canfield: "Mr. President, I will accept Senator Donohue's figures and I just received these from the department of revenue. I will just say these are wrong and his are right."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 461, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Dore, McCutcheon, Talley—3.

ENGROSSED SUBSTITUTE 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.

HOUSE BILL NO. 477, by Representatives Thompson, Zimmerman, Brouillet and Berntson:

Providing needed capital for investment in natural resource management on granted lands and second class tide and shore lands.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the rules were suspended, House Bill No. 477 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. 477, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Gissberg—1.

Absent or not voting: Senators Connor, Dore, McCutcheon, Talley—4.

HOUSE BILL NO. 477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 486, by Representatives Kopet, Marsh and Goldsworthy (by departmental request):

Pertaining to motor vehicle excise tax distributions.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 486 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 Ridder, Senator Dore was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 486, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators McCutcheon, Talley—2.

Excused: Senator Dore—1.

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.

SECOND SUBSTITUTE HOUSE BILL NO. 594, by Committee on State Government: Prohibiting discrimination based on sex, race, creed, color or national origin.

## REPORT OF STANDING COMMITTEE

April 6, 1971.

SECOND SUBSTITUTE HOUSE BILL NO. 594, prohibiting discrimination based on sex, race, creed, color or national origin (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 3, section 3, line 8, after "PROVIDED," and before "That" insert "*That it shall not be an unfair practice for an employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purpose of this chapter, except that no such employee benefit plan shall excuse the failure to hire any individual: PROVIDED FURTHER,*"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Andersen, Durkan, Foley, Francis, Holman, Twigg, Walgren.

The bill was read the second time by sections.

On motion of Senator Gissberg, the committee amendment was not adopted.

On motion of Senator Francis, the rules were suspended, Second Substitute House Bill No. 594, 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 Francis yield? I would assume, Senator, it is not the intent of this legislation, for example, to prohibit classified ads in newspapers or the comparable type of advertising on radio stations which, for example, in which a person might be looking for a male farm hand or a female cleaning lady and that sort of thing where there obviously would be a distinction as between the requirements for the position."

Senator Francis: "It does not prohibit that and I will go further and say it does not even do the minimal things that I would like to see done in connection with advertising, such as 'Help Wanted—Men' and 'Help Wanted—Women', which I do not think we ought to have in the newspapers at all. I think it ought to be broken down by general job types rather than by sexual distinctions. We do not get at that problem in this bill. We did in Senate Bill No. 7 which we will not be passing here. I can only hope that next session we can rectify that. We are not even getting at the problem. We certainly are not creating any problems in that area. It does not speak to that at all."

## POINT OF INQUIRY

Senator Bailey: "Will Senator Francis further yield? It would not be an act of discrimination then, after this act is passed, to put a 'men's' sign in the men's room and a 'women's' sign in the women's room?"

Senator Francis: "That is correct, Senator Bailey. This bill does not deal with public accommodations in any way and I would hope that when we do get to the question of public accommodations we will still be able to make it possible to have the privacy of our own separate restrooms."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Francis further yield? Under this no discrimination sex bill as you now have it, assume a period of unemployment or reduction of staff. Would it be a proper distinction that if you knew that both man and wife had employment, would you be able to elect to release the wife from employment, knowing that there was still a wage earner in the family and keep, instead of her, the head of another household so that that household would not have to go on some public form of assistance? In other words, could you make the distinction in a reduction of force on a basis of trying to keep one wage earner in each family rather than allowing two to be in one family and none in the other?"

Senator Francis: "Senator Woodall, the question, I think, is an excellent one and the answer I am giving I am not guaranteeing the accuracy of. It would be my interpretation that such basis would not be a sexual distinction. In fact, you could very well decide that the best earner in that particular family was the wife. It may be that husband and wife could get together to decide which one would lose the job. I would not think that that would be a sexual discrimination and I would feel that the bill does not interfere with that management decision."

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 594, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Waigren, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators McCutcheon, Talley, Washington—3.

Excused: Senator Dore—1.

SECOND SUBSTITUTE HOUSE BILL NO. 594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 684, by Representatives Zimmerman, Backstrom and Berentson: Requiring that certain insurance contracts include psychological service.

The bill was read the second time by sections.

Senator Day moved adoption of the following amendments:

On page 2, line 1, insert the following:

“NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

It shall be an unfair practice for a health care service contractor subsequent to the effective date of this act to enter into, renew or extend any contract for the furnishing of health care services which contract does not include in the services offered, when requested by a health care service beneficiary, as defined by 48.44.010 (3) RCW, and offered by a health care service contractor, excluding cooperative groups and groups of hospitals licensed by the state of Washington, any of the services described in 48.44.010 (1) RCW.”

Renumber old section 3 as section 4.

On page 2, line 1, after “1” insert “,” and strike “and”, after “2” insert “and 3”

#### POINT OF INQUIRY

Senator Guess: “Would Senator Day yield? In the field of labor relations, there are several hundred health and welfare groups in the state of Washington and I wonder what is going to be the effect. Now normally you enter into negotiations, you have so many cents to devote to the various items in the health and welfare package. Now suppose that there is no money to devote to this service? Is that going to be mandated?”

Senator Day: “Senator Guess, this does not mandate anything. It merely says when the beneficiary, who in this instance would be the group, requests that the service be included when they request it. In other words, let us take a contract with fifteen hundred people in it. It is up for re-negotiation and it would not be being bid just by a health care service contractor. It probably would be also being bid by a private insurance company.

“Now this legislature in its wisdom has mandated that whenever an insurance policy says physician, it automatically includes optometrists, podiatrists and chiropractors. So they have to bid with the service in. Now the only instance in which the health care contractor would have to include is if the beneficiary, in other words, the group, requested that they bid with that in the contract. Then in addition to that they could only request it if another health care service contractor or group offered that type of service.

“Western Vision Care, for example, offers vision care for optometrists. So they could request that optometrists be included but it would only be included when the beneficiary requested it. If you read it very carefully, it says, ‘when requested by a health care service beneficiary as defined in 48.44.010 (3) and offered by a health care service contractor.’ In other words, if it is not offered by any health care service contractor, even then the beneficiary could not request it.

“Now what this is is really a freedom of choice thing. It gives the beneficiary the right to request that the health care contractor not offer him a total monopoly contract if he wants other services in it.”

Debate ensued.

#### POINT OF INQUIRY

Senator Holman: “Senator Day, a question please? Senator, just to pin this down now, does this mean that if I have King county medical service health care coverage and I wish to have some health care service that they do not ordinarily cover but some other health care contractor does cover, then they have to give it to me?”

Senator Day: “No, it just says that they have to offer it to you in your renewed contract. In other words, it would not abrogate any existing contract at all. All it would say is, if you were in a group or an individual and when they offer you a new contract, subsequent to the effective date of this act, that they would have to offer you the service if you wanted it and it was available through another health care contractor. In other words,

they would obviously figure into it in the new contract they would be changing the premium and they would have to offer what you requested."

Senator Holman: "That is going a little far, isn't it?"

Senator Day: "No, I think that what that is doing is exactly what we have done with private insurance. We have said that when private insurers write a contract, this legislature in 1961 mandated that a physician be interpreted to include podiatry. So if you have a contract written subsequent to 1961 by a private insurer, you have mandated that the term 'physician' include 'podiatry'. We are now passing a bill that mandates it to include psychology. We are just saying here that if it is requested by the beneficiary and offered by a health care service contractor, that he may request that this additional service be available to him, and naturally if they adjust the premium, there would be an adjustment in premium."

#### POINT OF INQUIRY

Senator Guess: "Would Senator Day yield? Senator, I am covered by Spokane medical. Now, what relation does this amendment have to Spokane medical and my relation with Spokane medical?"

Senator Day: "Are you presently covered?"

Senator Guess: "I am presently covered."

Senator Day: "It does not change the contract one iota. The Constitution would preclude that. If they renewed, if you negotiate a new contract and if you are in a group and the group requests the addition of, say the recognition of an optometrist and the optometrist does have, under the health care service contractors' laws, a health care service organization, then you could request it and they would have to offer it.

"Now they could subcontract it through Western Vision Care or the optometrists' deal. The same thing with dental care. All this will do is broaden the availability of care. For example, there is the group dental plan. If your group asks that your prime contractor include dental care they naturally would feel that there would be an additional premium but they could ask that dental care be included and it says when the contract is offered they have to get together with the dental care group and offer the plan. Really the only mandate in this is that the beneficiary can mandate that that prime mover, which is a monopoly in Spokane county, must get together with the other existing health care contractors and offer a composite plan to your group."

The motion by Senator Day carried and the amendments were adopted.

On motion of Senator Day, the following amendments to the title were adopted:

On page 1, line 2, before "services" strike "psychological"

On page 1, line 4, after "48.20 RCW;" strike "and"

On page 1, line 5, after "RCW;" insert "and adding a new section to chapter 48.44 RCW;"

On motion of Senator Day, the rules were suspended, House Bill No. 684, 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. 684, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 6; absent or not voting, 6; excused, 1.

Voting yea: Senators Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Wilson, Woodall—36.

Voting nay: Senators Clarke, McDougall, Matson, Metcalf, Newschwander, Whetzel—6.

Absent or not voting: Senators Andersen, Atwood, Francis, McCutcheon, Talley, Washington—6.

Excused: Senator Dore—1.

HOUSE BILL NO. 684, 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 12:55 p.m., on motion of Senator Greive, the Senate recessed until 2:15 p.m.

## AFTERNOON SESSION

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.

## MESSAGE FROM THE HOUSE

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 69 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk. May 4, 1971.

## MOTION

On motion of Senator Atwood, the Senate refused to recede from its amendments to Engrossed Substitute House Bill No. 69 and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 69 and the Senate amendments thereto: Senators Foley, Whetzel and Bailey.

## MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

## SPECIAL ORDER OF BUSINESS

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 142, by Committee on Local Government:

Providing for approval by a county legislative authority of certain action by a sewer or water district.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 142 on second reading.

## REPORT OF STANDING COMMITTEE

ENGROSSED SUBSTITUTE HOUSE BILL NO. 142, providing for approval by a county legislative authority of certain action by a sewer or water district (reported by Committee on Cities, Towns and Counties): April 29, 1971.

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 16 after "consideration." add a new sentence: "If there has not been adopted for the area under consideration a plan under any one of subsections (1), (2) or (3) of this section, the proposed action shall not be found inconsistent with such subsection."

On page 3, section 2, line 23 after "consideration." add a new sentence: "If there has not been adopted for the area under consideration a plan under any one of subsections (1), (2) or (3) of this section, the proposed action shall not be found inconsistent with such subsection."

On page 4, section 3, line 10 after "36.93.180." add a new sentence: "Action of the board after review of the proposed action shall supersede approval or disapproval by the county legislative authority."

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

The bill was read the second time by sections.

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

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



On page 2, section 2, line 25, strike "water district be merged into a sewer" and insert "sewer district be merged into a water"

On page 3, section 3, line 33, after "36.93.090 and" strike "the legislative authority" and insert "a copy thereof with the legislative authority. The latter"

On motion of Senator Whetzel, the rules were suspended, Engrossed Substitute House Bill No. 142, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 142, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-44.

Absent or not voting: Senators Andersen, Durkan, Gissberg, Greive-4.

Excused: Senator Dore-1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 142, 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

HOUSE BILL NO. 438, by Representatives Kopet, Barden, Amen and Kilbury (by State Auditor request):

Permitting counties smaller than first class to establish a salary fund and permitting any county to establish a claims fund.

The time having arrived, the Senate commenced consideration of House Bill No. 438 on second reading.

#### REPORT OF STANDING COMMITTEE

April 29, 1971.

HOUSE BILL NO. 438, permitting counties smaller than first class to establish a salary fund and permitting any county to establish a claims fund (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, beginning on line 17, strike the entire paragraph and insert "[Any surplus in this fund which may accrue from the cancellation of warrants shall be transferred to the current expense fund.]"

On page 1, section 2, beginning on line 27, after "fund." strike the remainder of the section.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Whetzel, Wilson.

The bill was read the second time by sections.

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

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

On page 2, line 2, following section 2, add a new section to read as follows:

"Sec. 3. Section 21, chapter 1, Laws of 1959 (Initiative No. 23) and RCW 41.14.210 are each amended to read as follows:

The [board of county commissioners] *legislative body* of each *Class AA and A* county may provide in the county budget for each fiscal year a sum equal to [one-half of] one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or

counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.”

On motion of Senator Ridder, the following amendment to the title was adopted:

On page 1, line 3 of the title, after “RCW 36.33.060;” insert “amending section 21, chapter 1, Laws of 1959 (Initiative No. 23) and RCW 41.14.210”

On motion of Senator Ridder, the rules were suspended, House Bill No. 438, 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.

#### MOTIONS

On motion of Senator McDougall, Senator Elicker was excused.

On motion of Senator Atwood, Senator Andersen was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 438, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Herr, Newschwander—2.

Excused: Senator Andersen, Dore, Elicker—3.

HOUSE BILL NO. 438, 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.

ENGROSSED HOUSE BILL NO. 687, by Representatives Conner, Flanagan and Gallagher:

Increasing commercial salmon fishing license fees.

#### REPORT OF STANDING COMMITTEE

April 13, 1971.

ENGROSSED HOUSE BILL NO. 687, increasing commercial salmon fishing license fees (reported by Committee on Natural Resources, Fisheries and Game):

MAJORITY recommendation: Do pass with the following amendment:

On page 6, following line 22, insert a new section to read as follows:

“NEW SECTION. Sec. 11. There shall be established in the state treasury a fund known and denominated as the department of fisheries building account. Fifty percent of the revenue to be derived from this amendatory act shall be deposited in the department of fisheries building account in the general fund to be used solely for capital outlay for the department of fisheries for salmon propagation and to match federal funds for new fisheries facilities.”

Renumber the following section.

Signed by: Senators Peterson (Lowell), Chairman; Clarke, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the committee amendment was adopted.

Senator Bailey moved adoption of the following amendment by Senators Bailey and

Talley:

On page 6, following new section 11 added by the Senate Committee amendment, insert:

“NEW SECTION. Sec. 12. The fees for all licenses prescribed in this act shall be double for non-residents of the state.”

## POINT OF INQUIRY

Senator Peterson (Lowell): "Would Senator Bailey yield? Senator, in your amendment, are we putting ourselves in a position of discriminating or jeopardizing in any way our own resource? Would Alaska and Oregon double rates to our fishermen?"

Senator Bailey: "Senator Peterson, the old law always had a difference between out-of-state fishermen and local fishermen. Now we are coming in here and doubling the fishing license, mainly on our own people, and we have stricken any difference between our residents and non-residents.

"It is my understanding the state of Oregon is sitting down there waiting for us to adjourn so they can adopt a schedule that will benefit Oregon no matter what we do so I think the time has come that we are going to be out of here Monday night and we have to take action today. I am not worried about Alaska, I am worried about Oregon."

Senator Peterson (Lowell): "Thank you, Senator. I would concur in your amendment."

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

Senator Peterson (Ted) moved adoption of the following amendment by Senators Mardesich and Peterson (Ted):

On page 6, section 11, line 23, following old section 10, strike all of the material down to and including "1972." on line 24 and insert:

"Sec. 13. Section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010 are each amended to read as follows:

It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude 48° 9'3" 30" true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects the line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high-tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: PROVIDED, That subject to such seasons and regulations as may be established from time to time by the director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time [.] It shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the tenth day of June to the twenty-fifth day of the following July and from the fifth day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock a.m. of the Sunday following:

*PROVIDED, That for the privilege of purse seining in said waters during the lawful periods a seiner's permit from the director of fisheries shall be required, which permit shall issue on application and payment of a fee of ten dollars:*

*PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may maneuver units of lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such harvestable portions of these salmon runs for the economic well being of the citizens of this state:*

*PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any lawful-gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.*

*NEW SECTION. Sec. 14. The provisions of section 11 of this 1971 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The provisions of sections 1 to 10 inclusive of this 1971 amendatory act shall take effect on January 1, 1972."*

## POINT OF ORDER

Senator Talley: "I think this amendment completely enlarges the scope and object of the bill."

Debate ensued.

## POINT OF INFORMATION

Senator Peterson (Lowell): "Could we have a ruling from the Chair on Senator Talley's request before we go into the merits of the measure?"

## REPLY BY THE PRESIDENT

The President: "The President yesterday gave a ruling without permitting the members to speak upon the point. The President wishes to exhaust every aspect of the point before making a ruling, Senator Peterson."

## POINT OF INQUIRY

Senator Talley: "I wonder if Senator Ted Peterson would answer a question? I noticed that you said that the fish were going to go through the locks and the locks would be open. What kind of a signal do these salmon give when they want to go through the locks?"

Senator Peterson (Ted): "Because they cannot do what a boat owner does, he can ring a bell and advise the lock tender he is there, they are out there in the salt water splashing and kicking around and he knows they are there."

## RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order as raised by Senator Talley finds that House Bill No. 687 is a measure pertaining to commercial fishing regulations and fees. The amendment proposed by Senators Mardesich and Peterson is likewise a proposal which regulates the commercial fishing industry and establish fees for certain rights. Therefore the point of order is not well taken."

Senator Bailey moved adoption of the following amendment to the amendment by Senators Mardesich and Peterson (Ted):

On page 3, line 10 of the amendment after "Island" and before the period add the following:

"*PROVIDED, That the director shall not sell surplus salmon from hatcheries or any source other than test fishing except as provided in section 11 of this amendatory act*"

Following section 10 of the amendment add the following:

"*NEW SECTION. Sec. 11 (1) Except for salmon taken in the course of test fishing the director of the department of fisheries is authorized to sell only those salmon in the possession of the department which have been inspected and graded as fit solely for animal food. No salmon carcasses deemed fit for human consumption shall be sold and such salmon shall be disposed of through distribution to state institutions or to charitable institutions. Salmon eggs suitable for human consumption may be sold.*

(2) The proceeds of all departmental sales of salmon or salmon eggs shall be applied to reimburse the department for expenses incurred in the processing and distribution of edible salmon to state institutions or charitable institutions. Any proceeds excess to such costs shall be placed in the general fund to the department's credit and disbursed only for support of the department's salmon hatchery program as provided in section 3 (4) of this 1971 amendatory act."

Debate ensued.

## POINT OF ORDER

Senator Lewis: "Mr. President, I would like to raise the question of scope and object on the amendment to the amendment by Senator Bailey. It appears to me that it goes far beyond the original scope and object of the bill and that it involves, as he has said directly on the floor, the direct involvement of state institutions, of the welfare department of the treatment of the poor, of the canning industry, etc. It seems to me that it is clearly and obviously far beyond the scope and object of the bill."

## RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order by Senator Lewis, the President has previously stated finds that House Bill No. 687 is a measure pertaining to commercial fishing regulations and fees. The amendment proposed by Senator Bailey relates to the disposition of fish taken in the course of test fishing as outlined in section 11. Section

11 is not a part of the bill or even of the amendment pending but is a part of the amendment proposed by Senator Bailey. Therefore the President believes that the amendment does increase the scope and object of the amendment by Senators Mardesich and Ted Peterson."

The amendment by Senator Bailey to the amendment by Senators Mardesich and Peterson (Ted) was ruled out of order.

Senator Andersen moved adoption of the following amendment by Senators Andersen, Clarke and Mardesich to the amendment by Senators Mardesich and Peterson (Ted):

On page 2, line 31 of the amendment strike the period and insert the following: "*except that gill net and purse seine gear other than emergency and test gear authorized by the fisheries department shall not be used in Lake Washington.*"

Debate ensued.

#### POINT OF INQUIRY

Senator Peterson (Lowell): "Will Senator Andersen yield? Senator, would your amendment be so broad in scope and object that should by some freak quirk of nature we get several thousand surplus fish in Lake Washington,—would your amendment preclude the department of fisheries from leasing vessels to go in and properly harvest this over-run?"

Senator Andersen: "I believe that it is a broad prohibition. I do not know how else to approach it. When this matter comes up on the floor like this, Senator Peterson, as I mentioned in my remarks in support of the amendment, I would propose to put this flat prohibition in and then the matter can be cut down or lessened or whatever is necessary by subsequent changes in the law. I believe that most of the catch you are talking about is in the Sound as I mentioned also in my remarks. I do not think the fish are any good in Lake Washington and I believe if you put purse seiners and gillnetters in there that there would be quite a furor. But this prohibition is strictly Lake Washington and it seems fairly reasonable to a lay person such as myself."

The motion carried and the amendment to the amendment was adopted.

The motion by Senator Peterson (Ted) carried and the amendment, as amended, was adopted.

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

On page 6, line 23 of the engrossed bill, following section 13 of the Mardesich amendment, add two new sections to read as follows: Renumber section 14 of the Mardesich amendment as section 16.

"NEW SECTION. Sec. 14. There is added to chapter 75.28 RCW a new section to read as follows:

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any salmon while on board a commercially licensed trolling vessel trolling for salmon in waters within the territorial boundaries of the state of Washington or who sells his commercial catch in the state of Washington.

The fee for such license is ten dollars per annum.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any salmon: 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.

NEW SECTION. Sec. 15, Section 1, chapter 90, Laws of 1969 and RCW 75.28.095 are each amended to read as follows:

Every owner of a vessel used as a charter boat from which food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be fifty dollars per annum for residents and one hundred dollars per annum for nonresidents. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

[No vessel shall be licensed as a charter boat and hold a commercial salmon fishing license or vessel delivery permit at one and the same time.

A vessel may be transferred from charter boat fishing to commercial salmon fishing or vice versa by depositing the appropriate license and vessel delivery permit at the nearest office of the department of fisheries, provided that RCW 75.28.014 has been complied with.]

*No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.*

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment shall be included under the provisions of this section."

Renumber the succeeding section.

On motion of Senator Mardesich, the following amendment to the title was adopted:

On page 1, line 21 of the title, after "RCW 75.28.220;" and before "and" insert "amending section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010; declaring an emergency;"

On motion of Senator Ridder, the following amendment to the Mardesich title amendment was adopted:

On page 1, line 21, after "RCW 75.12.010;" in the Mardesich title amendment, insert "amending section 1, chapter 90, Laws of 1969 and RCW 75.28.095; adding a new section to chapter 75.28 RCW;"

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 687, 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.

#### MOTION

On motion of Senator Murray, Senators Matson and McDougall were excused.

#### POINT OF INQUIRY

Senator Stender: "Mr. President and members of the Senate, I rise to oppose this bill and basically I am surprised that Senator Lowell Peterson has changed his position in this regard because now after conferring with Senator Atwood I find that there were, in fact, two bills on this question. The one I am looking at indicates that it is somewhat different than the amendment that is being placed here onto Senate Bill No. 687. Neither one of those, neither the House version nor the Senate version of the bills came out of their standing committee even though the numbers are quite small in relation to the amount of bills that we had, which indicates they were there some time ago.

"Now maybe Senator Lowell Peterson can tell me how it is that a bill that he believes is a good bill did not get out of his committee and come in the way that I suggested should be the way it be done in my previous remarks on the amendment. It seems to me that to do this orderly that if the people, the department the people that are in this industry and the public generally, are in accord with the amendments, then of course we should by all means pass this bill. If they are opposed to it, it seems to me that it would be wrong to come here at the end of a session and tack it onto a measure without having had the proper support from those that are directly involved. Maybe Senator Peterson would yield and tell me why that is. Could you do that, Senator?"

Senator Peterson (Lowell): "Senator Stender, perhaps you were not listening, in my previous remarks I indicated that I did not support the amendment as we amended the bill and I stated that the reason that I would still support the measure was the very nature of the fact that the only revenue that we had built into the budget that the department needs in propagation, we will get absolutely nothing further in the next biennium unless we generate this revenue by the passage of this act."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 687, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—36.

Voting nay: Senators Connor, Durkan, Gardner, Guess, Huntley, Metcalf, Newschwander, Odegaard, Stender, Talley—10.

Absent or not voting: Senators McCutcheon, Whetzel—2.

Excused: Senator Elicker—1.

ENGROSSED HOUSE BILL NO. 687, 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. 433 was made a special order of business for 3:30 p.m. today.

## MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Atwood moved that the Senate immediately reconsider the vote by which Substitute House Bill No. 461 passed the Senate. The motion carried.

## MOTION

On motion of Senator Atwood, the rules were suspended and Substitute House Bill No. 461 was returned to second reading.

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

On page 1, section 1, line 20, of both the engrossed and printed bills, after "the tax" strike "*PROVIDED, That for taxes which become due in the month of July of any year, the due date shall be the twenty-fifth day of July*"

On page 1, section 1, line 23 of the engrossed bill being line 22 of the printed bill, after "received" strike "[within the first ten days of the month next succeeding] at any time within" and insert "within the first ten days of the month next succeeding"

On page 1, section 1, line 25 of the engrossed bill being line 24 of the printed bill, after "the" and before "the amount" strike "due date falls" and insert "[due date falls] tax is payable"

On motion of Senator Atwood, the rules were suspended, Engrossed Substitute House Bill No. 461, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 461, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Ridder, Stender—2.

Absent or not voting: Senators Fleming, Francis, McCutcheon, Murray—4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, 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.

HOUSE BILL NO. 738, by Representative Haussler:

Changing the name of the Washington State Association of County Commissioners to the Washington State Association of Counties.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, House Bill No. 738 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. 738, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 7.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Connor, Henry, McCutcheon, Mardesich, Peterson (Ted), Stender, Stortini—7.

HOUSE BILL NO. 738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 773, by Representatives Schumaker, Benitz, Hurley and Gladder: Protecting deer and elk during certain periods of the year.

The bill was read the second time by sections.

On motion of Senator Bailey, the following amendment by Senators Bailey, Peterson (Lowell) and Donohue was adopted:

On page 1, section 1, line 20, insert new paragraph: "The state game commission shall not have either sex elk or deer seasons without approval of the board of county commissioners in the county involved."

On motion of Senator Peterson (Lowell), the rules were suspended, House Bill No. 773, 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. 773, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 9.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Durkan, Elicker, Gissberg, Henry, Lewis, McCutcheon, Mardesich, Murray, Twigg—9.

HOUSE BILL NO. 773, 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 Sandison, House Bill No. 739 was made a special order of business for 5:00 p.m., today.

ENGROSSED HOUSE BILL NO. 798, by Representatives Bluechel, Maxie, Wojahn, Chatalas, Ross, Backstrom, Barden, Bradley, Charnley, Douthwaite, Johnson, Knowles, Morrison, Randall, Williams and Van Dyk:

Relating to the operation and administration of state government.

The bill was read the second time by sections.

Senator Day moved adoption of the following amendment:

On page 1, line 3 of the engrossed bill strike all the material after the enacting clause (being the House amendment to the printed bill) and insert the following:

"NEW SECTION. Section 1. There is added to Title 70 RCW a new chapter to read as set forth in sections 2 through 23 of this act.

NEW SECTION. Sec. 2. It is declared to be the public policy of this state:



(1) That comprehensive planning for promoting, maintaining and assuring a high level of health for all citizens of the state, and for the provision of health services, health manpower, health facilities and other resources, as well as health planning related to environmental matters is essential to the health, safety and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis, and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure comprehensive health services of high quality available to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination and economy in development and implementation to reach that goal.

(2) That the timely construction and expansion of hospital and nursing home facilities and the institution of additional hospital and nursing home services should be accomplished in a manner which is orderly, coherent, timely, economical and consistent with the effective development of necessary and adequate means of providing high quality health care for persons to be served by such facilities without duplication or fragmentation of such facilities.

**NEW SECTION.** Sec. 3. The following words or phrases, as used in this chapter, shall have the following meanings unless the context otherwise requires:

(1) "Board" means the Washington state board of health.

(2) "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, extension or modification of a hospital or nursing home, including equipment, the inspection and supervision thereof and other actions necessary thereto, which cost in excess of one hundred thousand dollars.

(3) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(4) "Council" means the state comprehensive health planning advisory council.

(5) "Defined population" means the population that is or may reasonably be expected to be served by an existing or proposed hospital or nursing home. "Defined population" shall also include persons who prefer to receive the services of a particular recognized school or theory of medical care. Defined population shall not be limited to a geographical area.

(6) "Department" means the Washington state department of social and health services.

(7) "Hospital" means any institution, place, building or agency, public or private, incorporated or not incorporated:

(a) Which provides or is capable of providing facilities for inpatient care of one or more persons, and inpatient health services, including physician services, through an organized medical staff and continuous nursing services for the prevention, diagnosis or treatment of patients, both surgical and nonsurgical; or

(b) Which qualifies or is required to qualify for a license under chapter 70.41 or 71.12 RCW.

(8) "Nursing home" means any home, place, institution or facility not a hospital:

(a) Which provides or is capable of providing convalescent, chronic or nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board; or

(b) Which qualifies or is required to qualify for a license under chapter 18.51 RCW.

(9) "Regional planning agency" means the area-wide comprehensive health planning agency responsible for comprehensive health planning within a defined area.

(10) "Secretary" means the secretary of the Washington state department of social and health services or his designee.

(11) "State planning agency" means the state comprehensive health planning agency as defined by Public Law 89-749 and designated by the governor pursuant to section 4 of this act.

**NEW SECTION.** Sec. 4. In order to carry out the purposes of this chapter, the governor shall designate a single state agency to develop and administer a state comprehensive health planning program. The designated state planning agency shall be responsible for implementing the related provisions of this chapter as hereinafter described, the provisions of Public Law 89-749 and subsequent federal legislation.

The state planning agency responsibilities under this chapter shall include but not be limited to the following:

(1) Develop long-range comprehensive health plans, including services, manpower, facilities and other resources, as well as recommendations for priorities.

(2) Develop guidelines as recommendations for government health planning, and health program evaluation.

(3) Provide continuing assistance to the state council and to regional planning agencies in their organization for and development of comprehensive health plans.

(4) Approve or reject applicants for recognition as a regional planning agency.

(5) Certify regional planning agencies, as appropriate, as capable to conduct evaluations and make recommendations as to applications for certificates of need.

(6) Develop proposals and recommendations regarding needs for training health manpower.

(7) Coordinate the comprehensive health planning activities with other health planning activities throughout the state.

**NEW SECTION.** Sec. 5. A state comprehensive health planning advisory council shall be appointed by the governor to advise the state planning agency on comprehensive health planning. The council shall consist of not more than thirty-nine public members plus representatives of appropriate departments of state government, such representatives to serve ex officio. One-third of the initial public members shall serve for terms of one year, one-third for terms of two years, and one-third for terms of three years. Subsequent appointments shall be for a three year term. A majority of the public members shall be consumers as defined herein. Included in the balance of the membership of the council shall be at least one physician, one dentist, one hospital administrator, one nursing home administrator, one osteopathic physician and one chiropractor, one registered nurse, one licensed practical nurse, one physical therapist and one optometrist. The chairman of the council shall be appointed by the governor, and shall serve as chairman at his pleasure, but for no longer than three years. A vice chairman shall be elected by the council. The council shall meet on call of the chairman or on request of the state planning agency, or the department, or a majority of public members, but not less than twice a year. The council may create standing and special committees as necessary and may appoint persons who are not members of the council to serve as advisory or consultant members of any committee in order to carry out the purposes of the council.

**NEW SECTION.** Sec. 6. Except for state employees who shall receive their usual per diem pursuant to RCW 43.03.050, members of the council and advisory or consultant members of any committee shall receive twenty-five dollars per diem spent in performing their duties and in addition all members shall be entitled to reimbursement for actual travel expenses incurred in the performance of their duties pursuant to RCW 43.03.060.

**NEW SECTION.** Sec. 7. The council shall have the following duties and functions:

(1) Consult with and advise the state planning agency in the conduct of its comprehensive health planning program. The council shall review and comment on project grant applications for public funds that relate to health under section 314, U.S. Public Health Services Act and other state and federal acts that shall from time to time require action by the council.

(2) Provide consultation to the secretary at his request.

(3) Perform such other functions or duties as may be requested.

**NEW SECTION.** Sec. 8. There shall be established, in regions established by the governor, regional planning agencies to carry out the purposes of this chapter. The state planning agency shall be responsible, with the advice of the state council, for developing guidelines to assist in the establishment and recognition of regional planning agencies, and for providing planning assistance to such agencies. Any municipal corporation or nonprofit corporation organized under chapter 24.03 RCW, and meeting the state planning agency's guidelines and the criteria set forth in section 9 of this act for regional planning agencies may be eligible for approval by the state planning agency as the regional planning agency for a defined area.

**NEW SECTION.** Sec. 9. To be eligible for approval as a regional planning agency, an applicant agency shall meet the following criteria:

(1) Be able to conduct comprehensive health planning for a defined area which is large enough to provide a basis for development of the health facilities, services, manpower and other resources necessary to assure comprehensive health services.

(2) Provide for representation, through an advisory council or its board of directors, of the major public, private and voluntary agencies concerned with physical, mental and environmental health services, facilities, and manpower and other resources. The applicant may obtain additional representation through subcommittees, technical advisory committees, and other such means.

(3) Provide that a majority of the membership of the advisory council and/or board of directors shall be consumers of health services reflecting geographic, socio-economic, ethnic and age groups in the area. The members who are health care providers shall also represent broad geographic, professional and ethnic elements of the area.

(4) Provide comment by a cross-section of county, and city governments, and public, private and voluntary health agencies in the area as the agency to be responsible for the comprehensive area-wide health planning program, or for organizing such a comprehensive health planning program.

**NEW SECTION.** Sec. 10. An approved regional planning agency shall be recognized by the county, city, and other governmental units and public, private and voluntary health agencies in the area as being responsible for the comprehensive area-wide health planning program.

**NEW SECTION.** Sec. 11. An approved regional planning agency shall:

(1) Identify health problems, needs, and resources; recommend goals and objectives; and promote the development and effective utilization of the health resources of the area.

(2) Plan and assure coordination and optimum utilization of current and future health manpower, services, facilities and resources for health care and prevention of disease and injury within the area and with state-wide programs.

(3) Prepare and maintain a long-range plan for all health facilities, services, manpower and other resources within the geographic area served by the agency.

(4) Within sixty days of receipt or a specified further period not to exceed an additional thirty days, approved by the secretary, evaluate all applications for certificates of need within the agency's area and make recommendations to the department.

(5) Establish methods of plan revision and amendments to allow responsiveness to changing needs and conditions.

(6) Individually and in cooperation with other regional planning agencies and the state planning agency, make recommendations and otherwise further the state comprehensive health planning program.

(7) Provide other assistance or certification as required by state or federal legislation or upon request by any state agency.

*NEW SECTION.* Sec. 12. Construction shall not be instituted or commenced after the effective date of this chapter except upon application for and receipt of a certificate of need as provided herein: PROVIDED, That in any case in which, prior to the effective date of this chapter, there has been proposed the construction of a new facility or the expansion of an existing facility and preliminary plans have been submitted to the planning and construction unit of the division of health of the department of social and health services, the secretary may waive all or any portion of the review process, but said facility shall proceed with its plans in an orderly and expeditious manner and commence construction no later than July 1, 1972.

*NEW SECTION.* Sec. 13. Certificates of need shall be issued or denied, suspended, revoked or reinstated by the secretary in accordance with the provisions and intent of this chapter and rules, regulations and policies adopted by the board. Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for an administrative hearing in accordance with chapter 34.04 RCW.

*NEW SECTION.* Sec. 14. Application for a certificate of need shall be made to the department, and shall include the following information:

- (1) The general geographic area to be served.
- (2) The population to be served, and the characterization of the population, as well as projections of population growth by an official federal or state agency.
- (3) A description of the service or services to be provided.
- (4) The anticipated demand for the hospital or nursing home service or services to be provided.
- (5) Utilization of existing programs within the area to be served offering the same or similar health care services.
- (6) The benefit to the community or the population to be served which will result from the proposed project as well as the anticipated impact on other facilities offering the same or similar services in the area.
- (7) A statement showing the existing working relationship among the hospitals or nursing homes within the defined population or area to be served.
- (8) A description of how the hospital or nursing home fits into the comprehensive health program of the region.
- (9) Evaluation and recommendation as to need by the regional planning agency or if no capable regional planning agency has been certified for such purpose, or if no area-wide comprehensive health plan exists, the department may utilize such other resources as it deems necessary and appropriate pursuant to section 18 of this act.

(10) Such other information as may reasonably be required by the department.

*NEW SECTION.* Sec. 15. A certificate of need shall be issued only where the proposed construction is reasonably necessary to provide health care to the defined population served or to be served as economically as practicable, consistent with high quality standards and in such a manner as to encourage orderly, coherent, timely and economic development of adequate and effective health services in the area, region and state. In making such determinations, the secretary shall take into consideration:

- (1) Recommendations of the regional planning agency and, if provided, recommendations of the state planning agency.
- (2) The comprehensive health plans and development for the area, region and state, and the relationship of the proposal to such plans and development.
- (3) The need for health care services in the area and/or the requirements of the defined population.
- (4) The availability and adequacy of health care services in the facilities which are currently serving the defined population and which conform to federal and state standards.
- (5) The need for special equipment and services in the area which are not reasonably and economically accessible to the defined population.
- (6) The need for research and educational facilities.
- (7) The probable economies and improvement in services that may be derived from the operation of joint central services or from joint, cooperative, or shared health resources which are accessible to the defined population.
- (8) The availability of sufficient manpower in the professional disciplines required for the facility.
- (9) The plans for and development of comprehensive health services and facilities for the defined population to be served. Such services may be either direct or indirect through formal affiliation with other health programs in the area, and shall include preventive, diagnostic, treatment and rehabilitation services.
- (10) Whether or not the applicant has obtained all relevant approvals, licenses or consents required by law for its incorporation or establishment.
- (11) Relevant information from interested persons and agencies.
- (12) The needs of members, subscribers and/or enrollees of institutions and health care plans which operate or support particular hospitals for the purpose of rendering health care to such members, subscribers and/or enrollees.

In the case of an application by a hospital or nursing home established or operated by a religious body or denomination, the needs of the members of such religious body or denomination for care and treatment in accordance with their religious or ethical convictions may be considered to be public need.

*NEW SECTION.* Sec. 16. In the administration of this chapter, consideration shall be given to the efficiency of the utilization of an existing hospital or nursing home which is or will be serving the defined population to be served by a proposed new hospital or nursing home or expansion of an existing hospital or nursing home so as to avoid unnecessary duplication of facilities, and to encourage maximum efficiency in the use of the hospitals or nursing homes which then serve or will be serving the defined population.

*NEW SECTION.* Sec. 17. A certificate of need shall be valid for such period of time, not to exceed two years, as may reasonably be required to complete preparation of detailed construction plans, secure necessary funds and building permits and undertake construction of the hospital or nursing home in question: PROVIDED, That, with the advice of the regional planning agency or, when appropriate, the other resources utilized by the department, the secretary may renew the certificate for such further periods as may be reasonable where the applicant has shown that substantial and continuing progress towards commencement of construction has been demonstrated.

*NEW SECTION.* Sec. 18. The secretary shall have authority to:

(1) Prepare proposed policies, rules and regulations to be considered for adoption by the board in order to effectuate the provisions and purposes of this chapter, including but not limited to the establishment of requirements for a uniform state-wide system of reporting financial and other operating data, and requirements that all hospitals report to the secretary and the State Comprehensive Health Planning Advisory Council significant changes in daily service charges, fees for use of special rooms, daily intensive care charges, fees for x-ray and laboratory procedures, and in such other fees or charges as may be required by rule and regulation. "Significant changes" shall likewise be defined by rule and regulation.

(2) Enter into contracts with any political subdivision, local health department, school of higher education, or nonprofit agency, and such entities are authorized to enter into contracts with the secretary to carry out the purposes of this chapter.

(3) Enter into contracts with consultants or utilize other evaluative or informational resources wherever necessary and feasible in order to effectuate the purposes of this chapter.

(4) Request hospitals or nursing homes to furnish the department such reports and information as he may require in order to carry out the provisions of this chapter.

(5) Cooperate and coordinate with other state departments having jurisdiction over matters affecting the maintenance, care and social well-being of persons using facilities providing hospital or nursing home services.

(6) Require that any hospital changing any of its rates, charges or fees supply to the secretary and the state comprehensive health planning advisory council all relevant information and supporting data as to such rates, charges and fees and the reasons for such changes. All hospitals instituting or about to institute such changes shall notify the secretary and the state comprehensive health planning advisory council and provide them such information and data.

*NEW SECTION.* Sec. 19. The issuance of a certificate of need for a specific project in a hospital's or nursing home's long-range plan shall not constitute a guarantee that all future proposals contained in that long-range plan will receive a certificate of need; however, the existence of previously certified projects that reduce the overall cost of future projects shall be taken into account by the regional planning agency and the secretary in reviewing subsequent proposals.

*NEW SECTION.* Sec. 20. The secretary may bring an action to enjoin a violation or the threatened violation of any of the provisions of this chapter or any rules or regulations adopted by the board or the department pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

*NEW SECTION.* Sec. 21. No member, officer or employee of a regional planning agency or its advisory council shall be subject to civil action in any court as the result of any act done or failure to act, or of any statement or opinion made, while discharging his duties as such member, officer or employee: PROVIDED, That he acted in good faith with reasonable care and upon proper cause.

*NEW SECTION.* Sec. 22. No hospital constructed after the effective date of this chapter shall be eligible to apply for or receive funds under the provisions of chapter 70.40 RCW, the Hospital and Medical Facilities Survey and Construction Act, unless said hospital has applied for and been granted a certificate of need as provided in this chapter.

*NEW SECTION.* Sec. 23. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

#### POINT OF ORDER

Senator Andersen: "I raise as my point of order, Mr. President, that Senator Day's amendment exceeds the scope and object and for that reason is improper, is in violation of the Constitution and the rules of this body."

Debate ensued.

#### POINT OF INQUIRY

Senator McDougall: "Will Senator Day yield? Senator, did I hear you say that you had removed an amendment that the House had put onto this measure in order to make your amendment more. . . ."

Senator Day: "One minor section, yes."

Senator McDougall: "Would you relate which section that was?"

Senator Day: "It is the one that Senator Atwood is speaking to. It does amend the bill back to its original form so that actually, if the House has the prerogative to amend a title only bill, certainly the Senate does."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order finds that the remarks of Senator Guess and Senator Atwood are essentially correct, Senator Day. There is a House bill before the Senate and that the amendment proposed by you, Senator Day, is rather extensive and broad and therefore does change the scope and object of the bill."

The amendment by Senator Day was ruled out of order.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 798 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. 798, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 7.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Durkan, Francis, Henry, McCutcheon, Mardesich, Murray, Newschwander—7.

ENGROSSED HOUSE BILL NO. 798, having received the constitutional majority, 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. 888, by Representatives Morrison, Rosellini, Savage, Johnson and Benitz:

Pertaining to application of business and occupation taxes to nuclear fuel assemblies.

The bill was read the second time by sections.

Senator Holman moved adoption of the following amendment:

On page 5, section 3, line 11, insert as subdivision (11) the following:

*"Upon every person engaging in the business of rendering computer services and of making sales of materials, supplies and processes used in or in respect to such services; as to such persons the tax imposed shall be equal to the gross proceeds derived from such services and sales multiplied by the rate of forty-four one-hundredths of one percent."*

Debate ensued.

#### POINT OF ORDER

Senator Holman: "Senator Canfield is speaking to the bill and not to the amendment."

#### POINT OF ORDER

Senator Woodall: "In discussing any amendment you can discuss the bill and what the amendment does to the bill."

## REPLY BY THE PRESIDENT

The President: "Senator Woodall's remarks are correct."  
Further debate ensued.

## POINT OF INQUIRY

Senator Ridder: "Will Senator Holman yield? The other day when we were discussing the problem of Boeing and the forgiveness of the six hundred thousand dollars per year in B&O tax, it was stated that the Boeing Company would pay this six hundred thousand dollars in tax in some other manner in the final product as produced by the company. I have had a lot of second thoughts about my vote on this bill the other day. I have talked to some people and they say that there is no way that this six hundred thousand dollars can be picked up on the final product as produced by Boeing, that actually it is a loss of six hundred thousand dollars or a million two in the biennium.

"Is it true that this six hundred thousand dollars forgiven in B&O taxes by the bill we passed here, would it be picked up on that final product?"

Senator Holman: "Senator, if it were picked up on the final product it would only be picked up at the rate that the Boeing Company pays, which is point forty-four hundredths of one percent. You cannot tell what type of computer work went into the product. It might go into some other Boeing operation that did not get involved in the product.

"The excuse, I believe, that the legislature has for giving this relief in House Bill No. 144 is that we want to help an infant industry get going. This means, and I think the Boeing Company is sincere, they want to build up a computer industry that serves not only the parent corporation but customers all around the world, if you please. They testified that they have a lot of customers but it is only five percent of their volume. Now they want to build that end up and this state wants to help them do that.

"Well we can do that best by this amendment here because that puts a reasonable B&O tax rate on that end of their business instead of the one percent they are now paying. So I think they would very much welcome this amendment. In any event, if they do not and if the Governor should sign House Bill No. 144, then he could simply take this off of this bill but this gives that latitude."

Further debate ensued.

Senator Canfield moved that the amendment by Senator Holman be laid upon the table.

Senators Holman, Ridder and Scott demanded a Call of the Senate. The demand was not sustained on a rising vote.

Senator Holman demanded a roll call and the demand was sustained by Senators Metcalf, Newschwander, McDougall, Whetzel, Stortini, Jolly, Lewis, Connor and Cooney.

## MOTION

On motion of Senator McDougall, Senator Andersen was excused.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Holman was laid upon the table by the following vote: Yeas, 27; nays, 15; absent or not voting, 6; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Guess, Herr, Jolly, Keefe, Lewis, McDougall, Matson, Peterson (Lowell), Peterson (Ted), Sandison, Stender, Talley, Twigg, Wilson, Woodall—27.

Voting nay: Senators Elicker, Gissberg, Greive, Holman, Knoblauch, Mardesich, Metcalf, Newschwander, Odegaard, Ridder, Scott, Stortini, Walgren, Washington, Whetzel—15.

Absent or not voting: Senators Francis, Gardner, Henry, Huntley, McCutcheon, Murray—6.

Excused: Senator Andersen—1.

On motion of Senator Canfield, the rules were suspended, Engrossed House Bill No. 888 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. 888, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Durkan, Francis, Henry, McCutcheon, Murray—5.

Excused: Senator Andersen—1.

ENGROSSED HOUSE BILL NO. 888, having received the 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 HOUSE BILL NO. 915, by Committee on Social and Health Services:

Authorizing special programs to provide social and health services for welfare recipients.

The bill was read the second time by sections.

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute House Bill No. 915 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 McDougall, Senator Holman was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 915, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 10; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Donohue, Elicker, Fleming, Foley, Gardner, Greive, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Connor, Day, Dore, Durkan, Francis, Gissberg, Henry, Lewis, McCutcheon, Mardesich—10.

Excused: Senator Holman—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 915, having received the 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 HOUSE BILL NO. 1046, by Representatives Curtis and Haussler:

Providing changes in the taxing limits and bonding authority of public hospital districts.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 1046 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. 1046, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Durkan, Lewis, McCutcheon, Mardesich—5.

Excused: Senator Holman—1.

ENGROSSED HOUSE BILL NO. 1046, having received the 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 HOUSE BILL NO. 214, by Committee on Elections and Apportionment:

Placing a time limit on recalls.

## MOTION

On motion of Senator Wilson, Engrossed Substitute House Bill No. 214 was made a special order of business for 6:00 p.m., today.

## SECOND READING

HOUSE BILL NO. 416, by Representatives Farr, Ceccarelli and Kirk (by Joint Committee on Governmental Cooperation request):

Amending certain public assistance laws.

The bill was read the second time by sections.

On motion of Senator Odegaard, the rules were suspended, House Bill No. 416 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. 416, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Connor, Donohue, Dore, McCutcheon, Mardesich—5.

Excused: Senator Holman—1.

HOUSE BILL NO. 416, having received the 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 Greive, Engrossed House Bill No. 659 was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.



On motion of Senator Greive, Senate Bill No. 928 was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 772, by Committee on Natural Resources and Ecology:

Requiring permits for certain fires to control air pollution.

#### REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 772, requiring permits for certain fires to control air pollution (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 2, line 17, of the printed and engrossed bills, after "have" and before "responsibility" insert "the"

On page 4, section 5, line 4, of the printed and engrossed bills, after "burning" strike "under" and insert "not included in section 2 thereof".

On page 4 of the printed and engrossed bill, add a new section following section 6 to read as follows:

"NEW SECTION. Sec. 7. There is added to chapter 70.94 RCW a new section to read as follows:

(1) Any county may, by resolution of its legislative body, withdraw from a multi-county or regional air pollution control authority, for the purpose of establishing a single-county air pollution control authority subject to the provisions of chapter 70.94 RCW.

(2) The withdrawal resolution must be served on the governing board of the district or authority at its next scheduled meeting and on or before such date a copy of the resolution shall be sent by registered mail to the Secretary of State and the department of ecology. The withdrawal shall become effective ninety days after service of the resolution upon the board or authority from which the county is withdrawing.

(3) The resolution shall contain a statement that the county accepts a pro rata share of the existing obligations of the district or authority from which it is withdrawing.

(4) The withdrawing county shall establish a county-wide air pollution control authority which shall become effective at the time the withdrawal is effective."

Re-number the remaining section accordingly.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 2, section 2 and page 4, section 5 were adopted.

Senator Day moved adoption of the committee amendment to page 4, adding new section 7.

Debate ensued.

#### POINT OF ORDER

Senator Whetzel: "Point of order, Mr. President. My point of order is that the amendment under consideration enlarges the scope and object of the bill. The bill is one dealing with controlling burning fires in connection with forest operations, and the amendment is one that allows a county to withdraw from a regional air pollution control authority. I submit that is beyond the scope and object of the bill."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order raised by Senator Whetzel finds that Engrossed Substitute House Bill No. 772 is a measure requiring burning permits under regulation of the department of natural resources and the department of ecology. The amendment proposed by the Committee on Medicine, Dentistry and Health Care, Air and Water Pollution is a measure which permits counties to withdraw from multi-county or regional air pollution control authorities and sets up the procedure to accomplish this withdrawal. The amendment does, therefore, increase the scope and object of the bill and the point of order is well taken."

The committee amendment to page 4, adding new section 7 was ruled out of order.

## POINT OF INQUIRY

Senator Guess: "Would Senator Day yield? Senator, before we get out of the second reading process here, I would like to ask you how the grass seed producers of eastern Washington are going to fare under this bill and I would draw your attention particularly to the line beginning. . . ."

Senator Day: "Senator Guess, I know the section of the bill to which you refer and it is my understanding that the department of ecology together with the grass burning representatives from eastern Washington have agreed to this particular section and the language is acceptable to them. That is the only reason the bill came out of the committee."

Senator Guess: "Fine. Thank you very much, Senator."

On motion of Senator Newschwander, the following amendment by Senators Newschwander and Day was adopted:

On page 2, section 1, line 14 of both the printed and engrossed bills, after "filed" and before the period insert " : PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally"

On motion of Senator Woodall, the following amendment by Senators Woodall and Canfield was adopted:

On page 2, section 1, line 14 of both the printed and engrossed bills, after the Newschwander/Day amendment, insert "Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual."

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 772, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 772, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Woodall—41.

Voting nay: Senators Elicker, Wilson—2.

Absent or not voting: Senators Durkan, Francis, Henry, McCutcheon, Twigg—5.

Excused: Senator Holman—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 772, 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. 1041 was ordered placed at the beginning of the second reading calendar for Friday, May 7, 1971.

ENGROSSED HOUSE BILL NO. 351, by Representatives Julin, Charette, Hubbard and Backstrom:

Granting immunity to medical professionals bringing charges against fellow professionals.

## REPORT OF STANDING COMMITTEE

April 6, 1971.

ENGROSSED HOUSE BILL NO. 351, granting immunity to medical professionals bringing charges against fellow professionals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Amend the amendment by the House Committee on Judiciary to page 1, section 1,

lines 8 to 21, as follows: on line 12 of the amendment, being page 1, line 17 of the engrossed bill, after "activities" strike "except where said physician, or dentist acts maliciously in filing the charges or presenting the evidence"

On page 1 following section 1 insert a new section to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 4.24 RCW a new section to read as follows:

Physicians licensed under chapter 18.71 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before the medical disciplinary board established under 18.72 RCW shall be immune from civil action for damages arising out of such activities."

On line 3 of the title, after "adding" and before "to" strike "a new section" and insert "new sections"

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Francis, Holman, Woodall.

The bill was read the second time by sections.

### MOTIONS

On motion of Senator Knoblauch, Senator Durkan was excused.

On motion of Senator Gissberg, the committee amendment to page 1 of the House Committee on Judiciary was adopted and the committee amendment to page 1 inserting new section 2 was adopted.

Senator Gissberg moved adoption of the committee amendment to the title.

### POINT OF INQUIRY

Senator Day: "Would Senator Gissberg yield? Senator, did I understand you to say that this would exempt them from liability when testifying in front of the disciplinary board?"

Senator Gissberg: "Yes. New section 2 would do that. It would carry forward the principle expressed in section 1, which would grant them an immunity before the review committee of the hospital and would extend that immunity from civil suit to the situation where there was a complainant who is making the complaint to the medical disciplinary board."

Senator Day: "I see. I thought they already had that immunity."

Senator Gissberg: "No, they apparently do not."

The motion by Senator Gissberg carried and the committee amendment to the title was adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 351, 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 Greive: "Senator Gissberg, would you yield to a question? Do I understand by this bill and by going through some sort of an interagency procedure in which a doctor or a hospital is presumably tried for their incompetence, that you freeze the records so they would not be available for a malpractice suit to protect the person from injuries?"

Senator Gissberg: "No, the answer is no to the question that you put. What it does do, it would immunize records where one doctor is complaining to a hospital board about the incompetency of another physician. In other words, he goes to the board of review of the hospital or the board of trustees."

Senator Greive: "I understand that."

Senator Gissberg: "That is all it does. It immunizes that particular. . . ."

Senator Greive: "Okay, I just want to get this in the record. This is not intended under any circumstances to be an act that would say that where a person has been wronged by a member of the medical profession that they could somehow protect these records from discovery."

Senator Gissberg: "Oh no, in no way."

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 351, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney,

Day, Donohue, Dore, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Fleming, Francis, McCutcheon, Mardesich—4.

Excused: Senators Durkan, Holman—2.

ENGROSSED HOUSE BILL NO. 351, 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.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, by Representatives North, Brouillet, Bledsoe, Brown, Charnley and Haussler:

Providing for a study on a state regional library system.

#### REPORT OF STANDING COMMITTEE

April 1, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, providing for a study on a state regional library system (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14 after "Council" and before "be directed" on line 15 strike "in conjunction with the Washington State Library Commission"

On page 1, line 18, after "studies by the" and before "and a report" strike "Commission" and insert "Legislative Council"

On page 2, line 27, after "assist the" and before "in carrying" strike "Commission" and insert "Legislative Council"

Signed by: Senators Sandison, Chairman; Atwood, Francis, Gardner, Guess, Lewis, Metcalf, Scott, Wilson.

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 rules were suspended, Engrossed House Concurrent Resolution No. 20, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 20, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Donohue, Guess, McCutcheon—3.

Excused: Senator Durkan—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, as amended by the Senate, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Walgren, Engrossed Substitute House Bill No. 655 was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.

SUBSTITUTE HOUSE BILL NO. 247, by Committee on Transportation:  
Enacting a "Special Fuel Tax Act."

## REPORT OF STANDING COMMITTEE

April 13, 1971.

**SUBSTITUTE HOUSE BILL NO. 247, enacting a Special Fuel Tax Act (reported by Committee on Transportation):**

**MAJORITY recommendation: Do pass with the following amendment:**

On page 5, section 4, line 19, after "vehicle" and before the period insert "": **PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in a fleet of three or more motor vehicles owned and operated by the state of Washington, and its legal subdivisions until July 1, 1975"**

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Elicker, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis, Murray, Scott, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment was adopted.

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

On page 32, section 35, line 9 and 10, strike "June 30, 1972" and insert "December 31, 1971"

On page 32, section 35, line 12, strike "October" and insert "April"

On page 32, section 36, line 19, strike "July" and insert "January"

On motion of Senator Washington, the rules were suspended, Substitute House Bill No. 247, 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: "Will Senator Washington yield? Senator, if this particular portion that exempts propane fuel as used in motor vehicles such as buses, passes, let us assume that a bill No. 691 passes and Seattle transit system buys a lot of rubber tired buses using propane fuel. Is it true then that we are creating quite a windfall for the city of Seattle in the area of exemptions with this particular provision?"

Senator Washington: "It would only go until 1975 and I would have the feeling that they are not going to be too far into their transit system by 1975. There is a 1975 cutoff date."

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 247, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Connor, McCutcheon—2.

Excused: Senator Durkan—1.

**SUBSTITUTE HOUSE BILL NO. 247, 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.**

**REENGROSSED HOUSE BILL NO. 335, by Representatives Bottiger, Juelling, Sawyer and Gallagher:**

Delineating state agency authority over private schools.

## REPORT OF STANDING COMMITTEE

May 4, 1971.

**REENGROSSED HOUSE BILL NO. 335, delineating state agency authority over private schools (reported by Committee on Education):**

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 48, Laws of 1971 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher certification, offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive teachers' certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to teachers' certification, and prepare an accredited list of those higher institutions of education of this and other states whose graduates may be awarded teachers' certificates.

(3) Supervise the issuance of teachers' certificates and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve, *subject to the provisions of section 3 of this 1971 amendatory act*, private and/or parochial schools carrying out a program for any or all of the grades one through [eight] *twelve*: PROVIDED, That no public or private high schools shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, intermediate school district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

Sec. 2. Section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010 are each amended to read as follows:

All parents, guardians and other persons in this state having custody of any child eight years of age and under fifteen years of age, or of any child fifteen years of age and under eighteen years of age not regularly and lawfully engaged in some useful and remunerative occupation or attending part time school in accordance with the provisions of chapter 28A.28 RCW or excused from school attendance thereunder, shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time, unless the school district superintendent of the district in which the child resides shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state. Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this section. An approved private and/or parochial school for the purposes of this section shall be one approved [or accredited] under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

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:

The legislature hereby recognizes that private and/or parochial schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any

specific educational or other programs for private and/or parochial schools except as hereinafter in this section provided:

(1) Private and/or parochial schools shall comply with the uniform building codes and fire regulations and rules and regulations of the state fire marshal in carrying out his duties as prescribed by law, and local health and safety ordinances.

(2) Private and/or parochial schools shall comply with RCW 28A.01.010, 28A.01.025 and chapter 28A.27 RCW.

(3) Private and/or parochial schools shall keep required attendance records, achievement data and physical health information, all such records to be stored in fire resistant storage or duplicates of the same to be kept in a separate and distinct area.

(4) Private and/or parochial schools shall see that members of their staff have required and valid health certificates.

(5) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases people of unusual competence but without certification may teach students in certain subject areas such as music, art, and drama, so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(6) Private and/or parochial school curriculum shall include instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

All decisions of policy, philosophy, selection of books, teaching materials, curriculum, except as in subsection (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private and/or parochial school involved.

**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:

(1) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement of its philosophy and specific objectives.

(2) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement of its instructional program. This program statement shall set forth both the content and the organization of the learning experiences or courses in which students will be involved.

(3) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement indicating how it intends to evaluate whether its instructional program is meeting its stated objectives.

**NEW SECTION. Sec. 5.** There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

The state recognizes the following rights of every private and/or parochial school:

(1) To teach their religious beliefs and doctrines, if any; to pray in class and in assemblies; to teach patriotism including requiring students to salute the flag of the United States if that be the custom of the particular private and/or parochial school.

(2) To require that there shall be on file the written consent of parents or guardians of students prior to the administration of any psychological test or the conduct of any type of group therapy.

**NEW SECTION. Sec. 6.** There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

Any private and/or parochial school may appeal the actions of the state superintendent of public instruction or state board of education as provided in Chapter 34 RCW.

**NEW SECTION. Sec. 7.** There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of this 1971 amendatory act, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

**NEW SECTION. Sec. 8.** If any provision of this 1971 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."

Strike all of the title and insert the following:

"An Act relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 48, Laws of 1971 and RCW 28A.04.120; amending section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW."

Signed by: Senators Francis, Chairman; McCutcheon, Metcalf, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections.

Senator Guess moved adoption of the committee amendment.

Debate ensued.

Senator Canfield moved adoption of the following amendment to the committee amendment:

On page 3, new section 7, after "amendatory act" strike the comma, insert a period and strike the balance of the section.

Debate ensued.

#### MOTION

On motion of Senator Greive, Reengrossed House Bill No. 335 was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.

#### SPECIAL ORDER OF BUSINESS

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, by Committee on Elections and Apportionment:

Placing a time limit on recalls.

The time having arrived, the Senate commenced consideration of Engrossed Substitute House Bill No. 214.

#### REPORT OF STANDING COMMITTEE

April 30, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, placing a time limit on recalls (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 29.82.020, chapter 9, Laws of 1965 and RCW 29.82.020 are each amended to read as follows:

*If the recall is demanded of a state officer, the prosecuting attorney of Thurston county shall determine within fifteen days of the filing of the charge whether or not the acts complained of in the charge are acts of malfeasance or misfeasance while in office, or a violation of the oath of office, as specified in the Constitution [.] . If the recall is demanded of any other officer, the prosecuting attorney of the county in which the person subject to recall resides shall make such determination within fifteen days of the filing of the charge. Upon determination that the recall charges meet the constitutional requirements, the [officer with whom the charge is filed] attorney general or the prosecuting attorney, as the case may be, shall, within thirty days of the filing of the charge, formulate a ballot synopsis of such charge of not to exceed two hundred words, which shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge, and shall notify the persons filing the charge of the exact language of such ballot synopsis, and attach a copy thereof to and file the same with the charge, and thereafter such charge shall be designated on all petitions, ballots and other proceedings in relation thereto by such synopsis.*

*NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.82 RCW a new section to read as follows:*

The sponsors of a recall demanded of any public officer may obtain and file supporting signatures after the issuance of the ballot synopsis by the appropriate official. Such signatures shall be obtained and filed within the time periods prescribed as follows:

(1) In the case of a person elected for a two year term of office, all petitions must be filed and circulation stopped not less than six months prior to the next general election in which the officer whose recall is demanded is subject to reelection.

(2) In the case of a person elected to a four or six year term of office, all petitions must be filed and circulation stopped within ten months prior to the next general election in which the officer whose recall is demanded is subject to reelection.

Notwithstanding any other provision of law, a recall election shall not be held after the general election when the officer whose recall is demanded was subject to reelection, if such general election is the one immediately following the recall demand.

The sponsors of a recall demanded of an officer elected to a state-wide position shall have a maximum of two hundred and seventy days in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the attorney general subject to the limitations of (1) and (2) of this section. The sponsors of a recall demanded of any other officer shall have a maximum of one hundred and eighty days in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the appropriate official, or after a final determination by a court of competent jurisdiction, whichever is later, subject to the limitations of (1) and (2) of this section.



Sec. 3. Section 29.82.030, chapter 9, Laws of 1965 and RCW 29.82.030 are each amended to read as follows:

Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of [white] paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be fined, or imprisoned, or both.

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

etc.

Sec. 4. Section 29.82.100, chapter 9, Laws of 1965 and RCW 29.82.100 are each amended to read as follows:

If at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall certify the proposition to the proper authority which shall fix a date, not [less than ten nor] more than fifteen days after the conclusion of the canvass, for calling a special election to determine whether or not the officer charged shall be recalled and discharged from his office. On the date fixed the election shall be called. The special election shall be held not less than [thirty] *forty-five* nor more than [forty] *sixty* days from the date of the call, and notice thereof shall be given in the manner required by law for calling special elections in the state or in the political subdivision, as the case may be.

**NEW SECTION.** Sec. 5. If any provision of this 1971 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."

In line 3 of the title, after "29.82.020;" and before "amending" insert "amending section 29.82.030, chapter 9, Laws of 1965 and RCW 29.82.030;"

In line 5 of the title after "RCW;" and before "creating" insert "and"

In line 5 of the title, after "sections" and before the period strike "; and declaring an emergency"

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Canfield, Donohue, Dore, Holman, Keefe, Mardesich.

The bill was read the second time by sections.

Senator Wilson moved adoption of the committee amendments.

Senator Dore moved adoption of the following amendments by Senators Dore and Wilson to the committee amendment:

On page 1, section 1, line 7 of the amendment after "state" strike "officer, the prosecuting attorney" and insert "-wide elected official, the superior court"

On page 1, section 1, line 12, after "other" strike "officer, the prosecuting attorney" and insert "official, the superior court"

Debate ensued.

The amendments to the committee amendment were adopted on a rising vote.

Senator Stender moved adoption of the following amendment to the committee amendment, as amended:

On page 1, section 1, line 7 of the committee amendment, strike all underlined material on lines 7, 8 and 9.

Debate ensued.

#### POINT OF ORDER

Senator Dore: "That is amending the very section which the body has just adopted, the method of determining misfeasance and malfeasance. He said that if the amendment was voted down, then he would offer a further amendment to the amendment but it was adopted. So there is nothing further to amend. The body has spoken."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order represented by Senator Dore believes that Senator Dore as a friend of the paragraph, had the opportunity to perfect it, but Senator Stender's motion to strike is in order."

Further debate ensued.

The motion by Senator Stender failed and the amendment to the committee amendment was not adopted.

The committee amendment, as amended, was adopted.

On motion of Senator Wilson, the committee amendments to the title were adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute House Bill No. 214, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent or not voting, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Whetzel, Wilson, Woodall—38.

Voting nay: Senators Atwood, Guess, Holman, Huntley, Lewis, McDougall, Metcalf, Stender, Twigg, Washington—10.

Absent or not voting: Senator Scott—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

##### SECOND READING

HOUSE BILL NO. 739, by Representatives Lynch, King and Kiskaddon:

Providing for negotiations by community college boards of trustees and their academic employees.

The time having arrived, the Senate commenced consideration of House Bill No. 739.

#### REPORT OF STANDING COMMITTEE

April 15, 1971.

HOUSE BILL NO. 739, providing for negotiations by community college boards of

trustees and their academic employees (reported by Committee on Higher Education and Libraries):

**MAJORITY recommendation: Do pass with the following amendments:**

On page 1, section 2, line 21, after "or administrator" and before "who is" on line 22, strike " , who has had or does have status as a teacher, counselor, or librarian, and"

On page 3, line 7, after section 8 add a new section to read as follows:

**"NEW SECTION. Sec. 9. Contracts or agreements, or any provision thereof entered into between boards of trustees and employee organizations pursuant to this act shall not be affected by or be subject to chapter—, Laws of 1971 ex. sess. (Senate Bill No. 469)."**

Renumber the remaining sections accordingly.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

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

Senator Francis moved adoption of the following amendment by Senators Francis and Murray:

On page 3, section 10, line 16, add the following:

**"Sec. 11. Section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010 are each amended to read as follows:**

*It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication and procedures for resolving disputes between certificated employees and the school districts by which they are employed.*

**Sec. 12. Section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020 are each amended to read as follows:**

As used in this chapter:

**"Employee organization"** means any organization which includes as members certificated employees of a school district and which has as one of its purposes the representation of the employees in their employment relations with the school district.

**"Certificated employee"** means any employee holding a regular teaching certificate [of the state] authorized by state law of the state board of education and who is employed by any school district with the exception of the chief administrative officers of each local district.

**"Chief administrative officers"** shall mean the superintendent, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, the business manager, the director of personnel and board negotiators as provided for in section 5 of this 1971 amendatory act.

**"Established administrative channels"** shall mean those procedures adopted by the board of directors of a school district under section 5 of this 1971 amendatory act for utilizing chief administrative officers of the district to meet and confer with representatives of the employee organization prior to the meeting, conferring or negotiating with the board of directors, or a committee thereof, or its designated representatives.

**Sec. 13. Section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030 are each amended to read as follows:**

Representatives of the employee organization, which organization shall by secret ballot have won a majority in an election to represent the certificated employees within its school district, [shall have the right.] after using established administrative channels, shall have the right, to meet, confer and negotiate with the board of directors of the school district or a committee thereof or its designated representatives to communicate the considered professional judgment of the certificated staff prior to [the] final adoption by the board or chief administrative officers of proposed school board policies and administrative procedures relating to [, but not limited to,] curriculum, textbook and instructional material selection, in-service training, student teaching programs, personnel, grievance procedures, hiring and assignment practices, fringe benefits, leaves of absence, conditions of work, hours to be worked, salaries and salary schedules and noninstructional duties.

**Sec. 14. Section 28A.72.070, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070 are each amended to read as follows:**

Boards of directors of school districts or any chief administrative officers thereof shall not discriminate against certificated employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

**Sec. 15. Section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080 are each amended to read as follows:**

Boards of directors of school districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter, which rules and regulations shall be subject to negotiation with the employee organization duly chosen to represent the certificated employees. Any such board may employ individuals to serve as negotiators on behalf of the board with representatives of the employee organization chosen to represent the certificated employees prior to meetings between such representatives and such boards, or committees of such boards, pursuant to RCW 28A.72.030: PROVIDED, That an agreement by the negotiators shall be reduced to writing and submitted in such form to the respective parties for final action. A board's negotiator may be given authority to reach agreement on behalf of the board within limits established by the board.

**NEW SECTION.** Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

Negotiations between the employee organization duly chosen to represent certificated employees under chapter 28A.72 RCW and the board shall at all times be conducted in good faith with the objective of reaching an agreement which, when final, shall be reduced to writing and which shall be binding on both parties. Such employee organization shall be the exclusive representative of and negotiate for all of the certificated employees of their respective school district.

**NEW SECTION.** Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

There is hereby established, under the authority of the superintendent of public instruction, an educational mediation, conciliation, and fact-finding service, hereinafter in this 1971 amendatory act referred to as the service. The service shall be under the direction of a Washington state education conciliation director, hereinafter in this 1971 amendatory act referred to as the director, who shall have had substantial experience in the field of fact-finding, conciliation, and mediation of disputes involving employee relations, and who shall be appointed by the superintendent of public instruction and shall be exempt from the provisions of chapter 41.06 RCW, the state civil service law. The director shall appoint the staff for the service, subject to the approval of the superintendent of public instruction.

The state board of education is empowered and directed to adopt, with the advice of the superintendent of public instruction and the director, rules and regulations necessary for the administration of sections 8 and 9 of this 1971 amendatory act, the same to be in conformity with such sections' intent and purpose.

**NEW SECTION.** Sec. 18. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

If agreement is not reached between the board of directors of a school district and an employee organization on any matter to which the employee organization has negotiating rights, either party to the negotiations, forty-eight hours after serving written notice of its intended action to the other party, may request that the director appoint either a fact-finder or mediator to assist in the resolution of the disagreement. The director shall forthwith appoint a fact-finder or mediator, as requested, to enter the negotiations process in that school district. In the case of conflicting requests, the director shall decide whether a fact-finder or mediator shall be appointed.

If a fact-finder is appointed, the parties shall furnish all information and documents relevant to the negotiations dispute requested by the fact-finder and shall attend as requested all hearings scheduled by him. Any party refusing to produce any such information or documents, unless privileged, or to attend such hearings as requested shall be deemed to be in bad faith. Neither party shall be bound in their subsequent negotiations by the findings of the fact-finder respecting the facts or law related to the dispute.

If a mediator is appointed, any party to negotiations which fails to attend, after reasonable notice, the first meeting scheduled by a mediator appointed under this section shall be deemed to be in bad faith. The meaning of the term "bad faith" is not limited to the definitions contained herein. Any party held or deemed to be in bad faith in negotiations shall be subject to judicial process by the other party for which the court may grant such injunctive or other relief as the court deems appropriate.

From the time of the written notice of intent to invoke the procedures of this section until seventy-two hours after the receipt by both parties of the written decision of the fact-finder or until five days after the first conference of the mediator with both parties, neither party shall take any action adverse to the position of the other party or its members.

**NEW SECTION.** Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW a new section to read as follows:

After exhausting the procedures provided in section 8 of this 1971 amendatory act, both parties to the negotiations, through mutual consent and by written agreement, may request the director of the service to appoint, and the director shall appoint, an arbitrator to any dispute arising from employee-employer negotiations in school districts. The costs of such arbitrator shall be paid by the parties as provided in the arbitration agreement.

**NEW SECTION.** Sec. 20. Section 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; and section 28A.72.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.040 are each hereby repealed.

**NEW SECTION.** Sec. 21. If any provision of this 1971 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. 22. The sum of one hundred dollars is hereby appropriated from the budget of the superintendent of public instruction for the purpose of carrying out the provisions of this act.

**NEW SECTION.** Sec. 23. The legislature hereby declares that teaching in the public school system of the state of Washington and its related services, including administrative and supervisory services, is a profession, with all the rights, responsibilities and privileges to be accorded other legally recognized professions. As such, the teaching profession is especially qualified to express its views and participate in making decisions on matters of professional concern with respect to the education of children and youth in Washington, and more particularly with respect to professional practices of the teaching profession, certification of educators, and accreditation of preparation programs in institutions of

higher learning. Employee organizations elected pursuant to chapter 28A.72 RCW should, and under the provisions of sections 13 through 22 of this 1971 amendatory act shall, have the right to participate in decisions concerning preparation programs leading to certification.

**NEW SECTION.** Sec. 24. There is created within the office of the superintendent of public instruction a state professional practice commission, hereinafter in this 1971 amendatory act referred to as the "commission".

**NEW SECTION.** Sec. 25. The state board of education shall appoint the commission, which shall be composed of twelve members, nine of whom shall each possess at least five years' teaching experience and a valid teaching certificate of the state of Washington, one of whom shall possess an educational staff associate certificate issued by the state board of education for an education-related position in the public schools, and two of whom shall be on the teaching training faculties of different Washington institutions of higher education. The terms of the members of the commission shall be for three years, except that four of the initial members of the commission (including one of the members from an institution of higher education) shall be appointed to serve one year, four (including the other member from an institution of higher education) to serve for two years, and four (including the educational staff associate) to serve for three years. No commission member may be appointed to succeed himself in office more than once.

In making appointments to, and in filling vacancies on, the commission, the board shall insure broad representation of the geographical and urban areas of the state and broad professional representation from the various educational levels and fields, and shall at all times include on the commission seven active classroom teachers, one school principal, one school superintendent, one person certificated as an educational staff associate and the two members of the teacher training faculties of Washington institutions for higher education. Nominations for appointment to the commission may be submitted to the board by any state-wide professional organization of certificated employees whose membership is representative of all grade levels and subject matter of the common schools in the state of Washington. The board shall make appointments to the commission from those lists of nominees after considering any recommendations respecting those nominees which may be made by the superintendent of public instruction. Appointments to fill vacancies on the commission shall be made in the same manner as appointments for a full term. At any time that any member of the commission shall no longer be employed full time by a school district or institution of higher education in the category for which he was appointed to the commission, his position on the commission shall be vacated, and that vacancy shall be filled with a person active in the education profession and otherwise meeting the necessary qualifications for that position.

The commission shall have authority to select its own chairman, establish procedures and adopt the rules under which it shall operate, and recommend for employment, consistent with employment policies of the superintendent of public instruction, such personnel and contract for such supportive services as it deems necessary. Six members (including no less than four active classroom teachers) of the commission shall constitute a quorum.

**NEW SECTION.** Sec. 26. Subject to the review and approval of the state board of education, the commission shall:

(1) Adopt standards consistent with law which shall be followed by the state board of education in accrediting institutions for teacher training;

(2) Establish procedures consistent with law relating to the adoption of programs for the issuance of teaching certificates and other education-related certificates;

(3) Adopt standards consistent with law relating to the suspension, revocation and reinstatement of teaching certificates or other education-related certificates;

(4) Review at least once every five years following the adoption thereof or any revision thereof the standards referred to in subsections (1), (2) and (3) above or at such other time within said five-year period the commission deems appropriate, and approve, amend, revise, delete or add to such standards;

(5) Conduct, upon written request of the complainant or the educator involved, investigations and hearings or both, in cases involving the suspension, revocation, and reinstatement of teaching certificates or other education-related certificates and take appropriate action as a result thereof; PROVIDED, That no action changing the status of a certificate shall be taken without a hearing;

(6) Meet semiannually with an advisory committee of the state board to counsel on concerns of mutual interest and file an annual report of its activities with the state board of education; and

(7) Take such other action and make such other recommendations consistent with the provisions of sections 13 through 22 of this 1971 amendatory act to ensure the professional rights and responsibilities of educators in the state of Washington.

**NEW SECTION.** Sec. 27. Prior to taking any actions or holding any hearings provided for in section 16 of this 1971 amendatory act, the commission shall adopt procedures for the establishment of standards and the holding of hearings pursuant to chapter 34.04 RCW. Procedures relating to the adoption of standards pursuant to subsections (1), (2), (3) and (4) of section 16 of this 1971 amendatory act shall provide for the holding of hearings in each congressional district of the state after public notice thereof and notice to any state-wide organization of educators requesting such notice. Hearings provided for in subsection (5) of section 16 of this 1971 amendatory act shall be deemed contested cases under chapter 34.04 RCW and shall be conducted pursuant to and with all of the powers, rights and duties prescribed in that chapter, which shall include immediate notice to the person charged,

opportunity for hearing, representation by counsel, examination and cross-examination of witnesses, subpoena of evidence and documents, appeal and all other requirements provided for contested cases.

*NEW SECTION.* Sec. 28. Members of the commission shall be granted leaves with pay to serve on commission business. The board shall reimburse the employer of the members for their pay during such leaves. Expenses authorized by the commission incurred by such members while serving on the commission shall be paid by the board.

*NEW SECTION.* Sec. 29. Every person paying a fee under RCW 28A.70.110 shall in addition to such fee pay the sum of five dollars which shall be used in support of the activities and operations of the commission.

Intermediate school district superintendents, or other officers authorized to receive such fee, shall within thirty days transmit the same to the state treasurer who shall deposit the money into an account to be used by the commission to carry out the purposes of sections 13 through 22 of this 1971 amendatory act.

Sec. 30. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005 are each amended to read as follows:

The [state board of education] *professional practice commission*, subject to the approval of the state board of education, shall establish, publish and enforce rules and regulations determining eligibility for and certification of teachers in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with [board] *such* rules and regulations.

Sec. 31. Section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as amended by section 145, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the intermediate school district superintendent of the county in which application is made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate for whatsoever reason, the intermediate school district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the [state board of education] *professional practice commission created in section 14 of this 1971 amendatory act.*

Sec. 32. Section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as amended by section 52, chapter 48, Laws of 1971 and RCW 28A.70.170 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned by the filing of a complaint by a school district superintendent or intermediate school district under RCW 28A.70.160 shall have a right to be heard by the issuing authority before his certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the [state board of education] *professional practice commission* if notice of appeal is given by written affidavit to the [board] *commission* within thirty days after the certificate is revoked. *If the commission revoked the certificate, the appeal may be made in like manner to the state board of education.*

An appeal to the *professional practice commission* or state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of [said] *that commission* or board and until the *commission's* or board's decision has been rendered."

#### MOTION

On motion of Senator Greive, House Bill No. 739 and the pending amendment by Senators Francis and Murray was ordered to hold its place on the second reading calendar for Friday, May 7, 1971.

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 38,  
 HOUSE BILL NO. 84,  
 HOUSE BILL NO. 125,  
 HOUSE BILL NO. 144,  
 HOUSE BILL NO. 172,  
 HOUSE BILL NO. 254,  
 HOUSE BILL NO. 305,

HOUSE BILL NO. 357,  
HOUSE BILL NO. 394,  
HOUSE BILL NO. 397,  
HOUSE BILL NO. 414,  
HOUSE BILL NO. 642,  
HOUSE BILL NO. 643,  
HOUSE BILL NO. 727,  
HOUSE BILL NO. 765,  
HOUSE BILL NO. 800,  
HOUSE BILL NO. 841.

#### SECOND READING

SENATE BILL NO. 691, by Senators Greive, Andersen, Holman, Durkan, Connor, Whetzel, Washington, Murray and Scott:

Authorizing local excise taxes for support of public transportation.  
The bill was read the second time by sections.

#### PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, in the Senate Ways and Means Committee, Senator Atwood offered a committee amendment which, after lengthy debate, was adopted by the Ways and Means Committee and the committee staff inadvertently omitted the amendment when the bill was sent to the Senate Committee on Rules and Joint Rules. As a result of this, Mr. President, the amendment is not on the bill and I apologize to Senator Atwood and I would like to let him have the opportunity of offering his amendment now so that it could be debated fully."

With permission of the Senate, the amendment by Senator Atwood will be considered before the committee amendments.

Senator Atwood moved adoption of the following amendment:

On page 5, section 5, line 2, after "authorization" insert "": PROVIDED, That the revenue generated by the tax source authorized in this section does not qualify for state matching funds available under the provisions of RCW 82.44.150"

Debate ensued.

#### MOTION

On motion of Senator Greive, the rules were suspended and the three minute rule suspended on debate on Senate Bill No. 691.

#### POINT OF INQUIRY

Senator Knoblauch: "I would like to ask Senator Atwood to yield to a question. I have forgotten, Senator Atwood; you mentioned what it would cost the state of Washington, the general budget, if your amendment did not pass."

Senator Atwood: "If my amendment does not pass, the present posture of the bill is that not in the Governor's budget, it will cost the general fund as near as we can tell an additional \$14.3 million."

Further debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Mr. President and gentlemen of the Senate, I am concerned not only about the figures I have heard and I feel that although it is necessary to do something about the problem, we should take some recognition of what we face and we have heard that there is \$14.3 millions involved now but I would like to direct a question to Senator Durkan who probably has an analysis of this bill as to what the fiscal effect would be in 1973. We are looking at \$14.3 million now but what is it in the next biennium?"

Senator Durkan: "In the fiscal 1973 the total impact would be about three million dollars but after that there is no ceiling to what it could be. It will go, dependent on how much they match. It could be the \$14 million that Senator Atwood talks about or it could

be more. It will depend upon the amount of matching money on the local level as to how much money will be necessary from the general fund on the state level and our amendment would limit that though just for the 1973 fiscal year."

Further debate ensued.

Senators Talley, Matson and Greive demanded the previous question and the demand was sustained.

Senator Greive demanded a roll call and the demand was sustained by Senators Atwood, Holman, Andersen, Washington, Day, Connor, Knoblauch, Scott, Stortini and Cooney.

The President declared the question before the Senate to be the adoption of the amendment by Senator Atwood.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Atwood was adopted by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Atwood, Bailey, Canfield, Cooney, Donohue, Foley, Gissberg, Guess, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Wilson, Woodall—25.

Voting nay: Senators Andersen, Clarke, Connor, Day, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, McCutcheon, McDougall, Metcalf, Murray, Peterson (Ted), Scott, Twigg, Washington, Whetzel—24.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Holman moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 888 passed the Senate. The motion for reconsideration carried.

#### MOTION

On motion of Senator Holman, reconsideration on Engrossed House Bill No. 888 was held for Friday, May 7, 1971.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate immediately reconsider the vote by which the amendment by Senator Atwood to Senate Bill No. 691 was adopted.

#### MOTION

At 7:30 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Friday, May 7, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## FIFTY-SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Friday, May 7, 1971.

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Color Guard, consisting of Pages Margaret Harrison, Color Bearer, and Kirk McDonnell, presented the Colors. Pastor Glen D. Cole of the First Assembly of God Church of Olympia, offered prayer as follows:

"Heavenly Father, there is a word in Your Gospel that is so encouraging . . . the word 'come'. 'Come unto me all ye that labour and are heavy laden and I will give you rest.' The great prayer of St. Augustine also expresses this word of invitation, and we make it our petition today, 'Oh come, Thou refreshment of them that sail in the tempestuous sea of the world; Thou only haven of the tossed and shipwrecked. Come, Thou Glory and Crown of the living, and only safeguard of the dying. Come, Holy Spirit, in much mercy, and make me fit to receive Thee.' We come to You for strength, physical, mental and spiritual for another day's work. Be near to help us. Be present to guide the deliberations of this body. We thank You now for answering our prayer, in Jesus' Name. Amen."

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

## REPORTS OF STANDING COMMITTEES

May 5, 1971.

ENGROSSED SENATE BILL NO. 158, changing monthly apportionment schedule for funds going from state general fund to school districts (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Jolly, Lewis, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Washington, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

SENATE BILL NO. 746, implementing law relating to insurance rates (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Clarke, Day, Fleming, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

April 23, 1971.

SENATE JOINT RESOLUTION NO. 17, providing constitutional amendment making public transportation systems eligible for highway funds (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Connor, Durkan, Elicker, Foley, Huntley, Jolly, Lewis, Mardesich, Murray, Peterson (Lowell), Sandison, Scott, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

HOUSE BILL NO. 13, repealing obsolete sections dealing with negotiations by certificated community college employees in school districts (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Holman, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

ENGROSSED HOUSE BILL NO. 56, providing certain changes in the tax on motor vehicle fuel (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Atwood, Canfield, Connor, Cooney, Day, Fleming, Francis, Gissberg, Herr, Jolly, Odegaard, Ridder, Sandison, Stortini, Talley, Twigg, Washington, Wilson, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

ENGROSSED HOUSE BILL NO. 160, requiring all state aircraft to be equipped with downed aircraft rescue transmitters (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

ENGROSSED HOUSE BILL NO. 161, providing for fire protection for the state capitol (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Elicker, Gardner, Gissberg, Jolly, Lewis, Newschwander.

Passed to Committee on Rules and Joint Rules for second reading.

May 4, 1971.

ENGROSSED HOUSE BILL NO. 259, permitting legal advertising and public notices in minority papers (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

HOUSE BILL NO. 386, designating a state rock and state gem (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Day, Elicker, Gardner, Gissberg, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

HOUSE BILL NO. 429, providing for the financing of services, facilities, equipment, material, goods and supplies for government and certain other entities (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Gissberg, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

ENGROSSED HOUSE BILL NO. 516, relating to local government (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Dore, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

HOUSE BILL NO. 525, lapsing zoning variances (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Elicker, McDougall, Peterson (Ted), Ridder, Talley, Whetzel, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 543, changing motor vehicle excise tax collection and distribution provisions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Donohue, Dore, Fleming, Foley, Holman, Huntley, Jolly, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Scott, Stortini, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

HOUSE BILL NO. 680, providing for local public works planning (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Day, Elicker, Gardner, Gissberg, Jolly, Lewis.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

ENGROSSED HOUSE BILL NO. 769, providing for a new highway hearing procedure (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Durkan, Elicker, Foley, Herr, Huntley, Keefe, McDougall, Matson, Murray, Peterson (Lowell), Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

ENGROSSED HOUSE BILL NO. 927, regulating the use of asbestos in manufacturing and construction (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Day, Gardner, Gissberg, Huntley, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

ENGROSSED HOUSE BILL NO. 1072, providing for free motor vehicle licenses for certain disabled veterans (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Foley, Herr, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Scott, Walgren, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

ENGROSSED HOUSE BILL NO. 1082, providing a refund of excise taxes to owners of destroyed motor vehicles, mobile homes, or travel trailers (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Elicker, Foley, Guess, Herr, Keefe, McDougall, Matson, Murray, Peterson (Lowell), Scott, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 5, 1971.

ENGROSSED HOUSE BILL NO. 1094, implementing law relating to school districts and their negotiations with certificated personnel (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Newschwander, Peterson (Ted), Ridder, Stender, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

ENGROSSED HOUSE BILL NO. 1123, exempting nonprofit blood banks from property taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Canfield, Connor, Day, Donohue, Foley, Gissberg, Herr, Holman, Huntley, Jolly, Mardesich, Metcalf, Odegaard, Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

### GUBERNATORIAL APPOINTMENTS

May 6, 1971.

DONALD K. MORFORD, to the position of member of the State Board for Community College Education, appointed by the Governor on April 3, 1970 for the term ending April 3, 1974, succeeding Avery Peyton (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Guess, Henry, Holman, Huntley, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 8, 1971.

ANDREW YOUNG, to the position of member of the State Board for Community College Education, appointed by the Governor on June 4, 1970 for the term ending April 3, 1973, succeeding Dr. John Henry (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Guess, Henry, Huntley, Scott.

Passed to Committee on Rules and Joint Rules.

May 6, 1971.

PHILIP CARON, to the position of member of the Board of Trustees of Central Washington State College, appointed by the Governor on October 16, 1970 for the term ending March 11, 1976, succeeding Don Johnson (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

May 6, 1971.

MORRIS G. SHORE, to the position of member of the Board of Trustees of Eastern Washington State College, appointed by the Governor on August 4, 1970 for the term ending March 1, 1976, succeeding Barbara R. Nelson (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

May 6, 1971.

PATRICK C. COMFORT, to the position of member of the Board of Trustees of Western Washington State College, appointed by the Governor on July 2, 1970 for the term ending March 8, 1977, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Foley, Francis, Gardner, Guess, Huntley, Lewis, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

May 6, 1971.

RONALD E. ROBINSON, to the position of member of the Board of Trustees of Eastern Washington State College, appointed by the Governor on January 26, 1971 for the term ending March 1, 1977, succeeding Thomas Meagher (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Guess, Henry, Holman, Huntley, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

April 8, 1971.

JOHN B. TROUP, to the position of member of the Higher Education Personnel Board, appointed by the Governor on January 29, 1971 for the term ending July 1, 1971, succeeding E. Robert Fristoe (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Dore, Durkan, Foley, Guess, Henry, Huntley, Scott.

Passed to Committee on Rules and Joint Rules.

May 6, 1971.

AL E. SAUNDERS, to the position of member of the Board of Trustees of Evergreen State College, appointed by the Governor on March 15, 1971 for the term ending March 15, 1977, succeeding himself (reported by the Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Foley, Gardner, Guess, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

### LETTERS OF INFORMATION

May 6, 1971.

HONORABLE JOHN CHERBERG  
PRESIDENT OF THE SENATE  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON

DEAR SIR:

The following bill has been passed out of the Senate Committee on Revenue and Taxation into the full Committee on Ways and Means:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 11: Directing a study of public services.

Sincerely,  
SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

May 6, 1971.

HONORABLE JOHN CHERBERG  
PRESIDENT OF THE SENATE  
LEGISLATIVE BUILDING  
OLYMPIA, WASHINGTON

DEAR SIR:

The following bill has been passed out of the Senate Committee on Revenue and Taxation into the full Committee on Ways and Means:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283: Providing an act relating to revenue and taxation.

Sincerely,  
SENATOR HUBERT F. DONOHUE  
Chairman, Revenue and Taxation Committee.

### MESSAGES FROM THE GOVERNOR

Office of the Governor, May 6, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 6 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 125: Providing changes in approval of persons for participation in work release programs.

SENATE BILL NO. 261: Providing wage protection to employees.

SENATE BILL NO. 419: Authorizing tuition supplement program for resident students attending private institutions of higher education.

SENATE BILL NO. 469: Establishing an administrative procedures act for state institutions of higher education and providing for delegation of certain powers.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel to the Governor.

Office of the Governor, May 6, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 6 Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 126: Relating to nonprofit corporations.

SENATE BILL NO. 137: Providing a change in the law relating to lost instruments.

SENATE BILL NO. 203: Providing appeals from board against discrimination hearings by political subdivisions.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel to the Governor.

### MESSAGES FROM THE HOUSE

May 6, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 42,

SENATE BILL NO. 472,

SENATE BILL NO. 858,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 4, 1971.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 550, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 892, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 5, 1971.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 592,

ENGROSSED HOUSE BILL NO. 704,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 6, 1971.

Mr. President: The House has passed:

HOUSE BILL NO. 672,

ENGROSSED HOUSE BILL NO. 929,

ENGROSSED HOUSE BILL NO. 996,

ENGROSSED HOUSE BILL NO. 1116,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 6, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 437,

SUBSTITUTE HOUSE BILL NO. 561,

HOUSE BILL NO. 597,

HOUSE BILL NO. 622,

HOUSE BILL NO. 707,

HOUSE BILL NO. 860,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 6, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 303 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 213 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 181 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 106 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 762 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 584 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 545 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
Mr. President: The Speaker has signed:  
HOUSE BILL NO. 77,  
HOUSE BILL NO. 82,  
HOUSE BILL NO. 106,  
HOUSE BILL NO. 181,  
HOUSE BILL NO. 213,  
HOUSE BILL NO. 303,  
HOUSE BILL NO. 416,  
HOUSE BILL NO. 477,  
HOUSE BILL NO. 486,  
SUBSTITUTE HOUSE BILL NO. 545,  
SUBSTITUTE HOUSE BILL NO. 584,  
SECOND SUBSTITUTE HOUSE BILL NO. 594,  
HOUSE BILL NO. 738,  
SUBSTITUTE HOUSE BILL NO. 762,  
HOUSE BILL NO. 798,  
SUBSTITUTE HOUSE BILL NO. 915,  
HOUSE BILL NO. 1046,  
and the same are herewith transmitted, MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 540 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Hansey, Kilbury and Schumaker.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has granted the request of the Senate for a conference on HOUSE BILL NO. 1034 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Charette, Newhouse and Smith.

MALCOLM McBEATH, Chief Clerk.

May 6, 1971.  
Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 3, 1971.  
Mr. Speaker:  
Mr. President:  
We, of your Conference Committee, to whom was referred ENGROSSED SECOND

SUBSTITUTE SENATE BILL NO. 146, enacting a Uniform Controlled Substances Act, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Day, Holman and Fleming; Representatives Eikenberry, Jastad and Curtis.

#### MOTION

On motion of Senator Holman, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 200, authorizing the relocation of harbor lines in front of Kalama and Everett, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Talley, Lewis and Mardesich; Representatives Cunningham, Martinis and Paris.

#### MOTION

On motion of Senator Talley, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

May 3, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 139 authorizing the following amendments:

On line 13 of the title after "RCW 36.94.240;" insert the following: "providing for the review of certain sewer and water rates and services; and adding a new section to Title 36 RCW;"

On page 1, line 13 of the title, following "RCW 36.94.240;" and the foregoing amendment, strike the remainder of the title and insert "providing for a tax; creating new sections; prescribing penalties; and declaring an emergency."

On page 12, line 7 following section 12 insert the following new section:  
"NEW SECTION. Sec. 13. There is added to Title 36 RCW a new section to read as follows:

The board of county commissioners, on its own motion or upon the request of any affected person, may undertake a full and comprehensive review of the rates, services, facilities, and practices of sewer and water districts where such services are provided across such district's boundaries and into unincorporated areas to determine whether such rates, services, facilities, and practices are just, fair, reasonable and nondiscriminatory. Such review shall include a hearing or hearings to provide affected persons an opportunity to make their views known.

If the results of such review and investigation warrant, the board shall consult with the appropriate governmental subdivisions providing such sewer and water services to the unincorporated areas and present alternative rates, services, and/or practices found by the board to be just, fair, reasonable, and nondiscriminatory.

The board shall keep full and accurate minutes and records of all transactions, proceedings, and determinations in regard to such review and may perform such other functions as may be necessary and appropriate to discharge its duties under this section.

The board may employ such accounting, engineering, expert and clerical assistants, and such other qualified assistants as may be necessary to carry out the review and investigations authorized herein.

The board may provide such emergency funds as may be necessary to meet the expenses incurred pursuant to this section."

Renumber subsequent sections accordingly.

On page 12, line 7, following section 12 and the foregoing amendment, adding section 13, insert new sections to read as follows:

"NEW SECTION. Sec. 14. The purposes of a television reception improvement district, hereinafter referred to in this act as "district", shall be to serve the public interest, convenience, and necessity in the construction, maintenance, and operation of television translator stations, including appropriate electric or electronic devices for increasing television program distribution, but said purposes are not meant to include the construction



or operation of television cable systems, commonly known and referred to as cable TV systems or CATV.

**NEW SECTION.** Sec. 15. A district's boundary may include any part or all of any class county and may include any part or all or any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on the effective date of this act there is a translator station retransmitting television signals to such territory.

**NEW SECTION.** Sec. 16. A petition to form a district may be presented to the board of county commissioners and such petition shall include: (1) A description of the purposes of the petition; (2) a description of the purposes and powers of the proposed district; (3) a description of the boundaries of the proposed district; and (4) the signatures of more than fifty percent of the registered voters residing within the boundaries of the proposed district.

**NEW SECTION.** Sec. 17. If the board of county commissioners, with the assistance of other appropriate county officers, finds the petition filed under section 16 of this act satisfies the requirements of that section, it shall cause the text of the petition to be published once a week for at least three consecutive weeks in a newspaper of general circulation within the county where the petition is presented. With the publication of the petition there shall be published a notice of the time, date, and place of the public meeting of the county commissioners when the petition will be considered, stating that persons interested may appear and be heard.

**NEW SECTION.** Sec. 18. If after the public meeting or meetings on the petition, the board of county commissioners finds that creation of the proposed district would serve the public interest, the board shall adopt a resolution granting the petition and creating the district. Prior to adoption, however, the board may amend the petition in the interest of carrying out the purposes of this act.

**NEW SECTION.** Sec. 19. The business of the district shall be conducted by the board of the television reception improvement district, hereinafter referred to as the "board". The board shall be constituted as provided under either subsection (1) or (2) of this section.

(1) The board of a district having boundaries different from the county's shall have either three, five, seven, or nine members, as determined by the board of county commissioners at the time the district is created. Each member shall be appointed by the board of county commissioners, shall reside within the boundaries of the district and each shall serve a three-year term, or until their successors are qualified, except that the board of county commissioners shall appoint one of the members of the first board to a one year term and two to two year terms. A majority of the members of the board shall constitute a quorum for the transaction of business, but the majority vote of the board members shall be necessary for any action taken by the board. The board shall elect from among its members a chairman and such other officers as may be necessary. In the event a seat on the board is vacated prior to the expiration of the term of the member appointed to such seat, the board of county commissioners shall appoint a person to complete such unexpired term.

(2) Upon the creation of a district having boundaries identical to those of the county (a county-wide district), the county commissioners shall be the members of the board of the district and shall have all the powers and duties of such board as provided under the other sections of this act. The county commissioners shall be reimbursed pursuant to the provisions of section 20 of this act, and shall conduct the business of the district according to the regular rules and procedures applicable to meetings of the board of county commissioners.

**NEW SECTION.** Sec. 20. Members of the board shall receive no compensation for their services, but shall be reimbursed from district funds for any actual and necessary expenses incurred by them in the performance of their official duties.

**NEW SECTION.** Sec. 21. With the assistance of the board, the county assessor shall, on or before the first day of July of any given year, ascertain and prepare a list of all persons he believes own television sets within the district and deliver a copy of such list to the board.

**NEW SECTION.** Sec. 22. The provisions of chapter 36.40 RCW, relating to budgets, shall apply to the district. The budget of the district shall be financed by an excise tax imposed by the board, and described in section 23 of this act.

**NEW SECTION.** Sec. 23. The tax provided for in sections 22 and 23 of this act shall not exceed fifteen dollars per year per television set, and no person shall be taxed for more than one television set, except that a motel or hotel or any person owning in excess of five television sets shall pay at a rate of one-fifth of the annual tax rate imposed for each of the first five television sets and one-tenth of such rate for each additional set thereafter. An owner of a television set within the district shall be exempt from paying any tax on such set under this act: (1) If either (a) his television set does not receive at least a class grade B contour signal retransmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the federal communications commission as of the effective date of this act, or (b) he is currently subscribing to and receiving the services of a community antenna system (CATV) to which his television set is connected; and (2) if he filed a statement with the board claiming his grounds for exemption. Space for such statement shall be provided for in the tax notice which the treasurer shall send to taxpayers in behalf of the district.

**NEW SECTION.** Sec. 24. Any person owing the excise tax provided for under this act and who fails to pay the same within sixty days after the county treasurer has sent the tax bill to him, shall be deemed to be delinquent. Such person shall be liable for all costs to the county or district attributable to collecting the tax, but no such excise tax or costs, nor any judgment based thereon, shall be deemed to create a lien against real property.

*NEW SECTION.* Sec. 25. The board may adopt rules providing for prorating of tax bills for persons who have not owned a television set within the district for a full tax year.

*NEW SECTION.* Sec. 26. In addition to other powers provided for under this act, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this act will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations re-transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this act;

(4) To make contracts with the United States, or any state, municipality or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this act;

(7) To contract indebtedness or borrow money and to issue warrants or bonds to be paid from district revenues, bearing interest at a rate not exceeding seven percent per annum;

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this act; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

*NEW SECTION.* Sec. 27. A district may translate or retransmit only those signals which originate from commercial and educational television stations which provide, within some portion of the state of Washington, a class A grade or class B grade contour, as such classes are defined under regulations of the Federal Communications Commission as of the effective date of this act.

*NEW SECTION.* Sec. 28. Any claim against the district shall be presented to the board. Upon allowance of the claim, the board shall submit a voucher, signed by the chairman and one other member of the board, to the county auditor for the issuance of a warrant in payment of said claim. This procedure for payment of claims shall apply to the reimbursement of board members for their actual and necessary expenses incurred by them in the performance of their official duties.

*NEW SECTION.* Sec. 29. The treasurer of the county in which a district is located shall be ex officio treasurer of the district. He shall collect the excise tax provided for under this act and shall send notice of payment due to persons owing the tax. There shall be deposited with him all funds of the district. All district payments shall be made by him from such funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of issuance. The treasurer shall report monthly to the board in writing, the amount in the district fund or funds.

*NEW SECTION.* Sec. 30. The board of county commissioners shall provide for the bonding of each member of the board. Such bond shall be a fidelity bond conditioned on each board member honestly performing his duties and shall be paid for from district funds. The amount of the bond shall be prescribed by the board of county commissioners but shall not be less than twenty thousand dollars per board member.

*NEW SECTION.* Sec. 31. The board shall reimburse the county auditor, assessor, and treasurer for the actual costs of services performed by them in behalf of the district.

*NEW SECTION.* Sec. 32. Any person who shall knowingly make a false statement for exemption from the tax provided under this act shall be guilty of a misdemeanor.

*NEW SECTION.* Sec. 33. If the board of county commissioners finds, following a public hearing or hearings, that the continued existence of a district would no longer serve the purposes of this act, it may by resolution order the district dissolved. If there is any property owned by the district at the time of dissolution, the board of county commissioners shall have such property sold pursuant to the provisions of chapter 36.34 RCW, as now law or hereafter amended. The proceeds from such sale shall be applied to the county current expense fund.

*NEW SECTION.* Sec. 34. No television reception improvement district may be formed to operate and maintain any translator station presently or previously owned, operated or maintained by a television broadcaster.<sup>2</sup> and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

Senator Whetzel moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 139, and that the House be asked to recede therefrom.

Debate ensued.

The motion carried.

### REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 1034, providing for forest protection, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Donohue, Talley and Murray; Representatives Newhouse, Smith and Charette.

### MOTION

On motion of Senator Atwood, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

### MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 849 with the following amendments:

On page 2, section 1, line 24 strike everything after "only" and before the period insert "as provided in this 1971 amendatory act"

On page 4, section 5, line 3 after "roll," and before "except" insert "except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and"

On page 14, section 12, line 1 after "determinative." insert a new paragraph:

"(4) The assessor may in any year commencing with 1972 discontinue assessing and valuing pursuant to the procedures set forth in section 11 of this 1971 amendatory act and subsections (1) and (2) of this section any land, except designated forest land, for which a higher and better use exists than growing and harvesting timber. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or section 13 of this 1971 amendatory act."

On page 17, section 16, line 20 after "Land" and before "prior" strike "classified" and insert "approved for classification pursuant to RCW 84.28.020 or RCW 84.32.030", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Lewis, the Senate concurred in the House amendments to Substitute Senate Bill No. 849.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 849, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 4.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Dore, Mardesich—2.

Absent or not voting: Senators Durkan, Gardner, Gissberg, Talley—4.

SUBSTITUTE SENATE BILL NO. 849, 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

At 12:45 p.m., on motion of Senator Greive, the Senate recessed until 1:45 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

## MOTION

On motion of Senator Keefe, Senator Durkan was excused.

## MESSAGE FROM THE HOUSE

May 1, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 59 with the following amendments:

On page 1, section 2, beginning with "provide" on line 7, strike all the matter down to and including "effecting" on line 11 and insert "effect"

On page 5, section 9, beginning on line 31, after "addition" strike all the matter down to and including "act" on page 6, line 4 and insert "guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judicial retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judicial retirement fund shall become insufficient to meet the retirement payments"

On page 6, section 10, line 9 after "of" insert "actual"

On page 10, section 22, line 8 after "more than" strike "twelve" and insert "six"

On page 10, section 22, line 26 after "savings fund" insert "prior to January 1, 1972", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Woodall, the Senate concurred in the House amendments to Engrossed Senate Bill No. 59 with the exception of the amendment on page 10, section 22, line 8, and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 51 with the following amendments:

Strike all of the title and substitute the following:

"An Act relating to businesses and professions; amending section 10, chapter 323, Laws of 1959 and RCW 18.08.190; amending section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18.15.060; amending section 7, chapter 180, Laws of 1951, as last amended by section 11, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.140; amending section 6, chapter 149, Laws of 1955, as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22.120; amending section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53, Laws of 1959 and RCW 18.25.070; amending section 3, chapter 201, Laws of 1967 and RCW 18.28.030; amending section 1, chapter 83, Laws of 1953 and RCW 18.36.115; amending section 6, chapter 108, Laws of 1937 and RCW 18.39.050; amending section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110; amending section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050; amending section 6, chapter 4, Laws of 1919 and RCW 18.57.050; amending section 36, chapter 202, Laws of 1955 and RCW 18.71.080; amending section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070; amending section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090; amending section 20, chapter 70, Laws of 1965 and RCW 18.83.072; amending section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090; amending section 43, chapter 52, Laws of 1957 and RCW 18.85.200; amending section 19, chapter 202, Laws of 1949 as amended by section 11, chapter 288, Laws of 1961 and RCW 18.88.190; amending section 4, chapter 200, Laws of 1959 and RCW 18.90.040; amending section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145; and adding a new section to chapter 46.01 RCW."

Strike all the matter after the enacting clause and insert the following:

"Section 1. Section 10, chapter 323, Laws of 1959 and RCW 18.08.190 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which fee shall be [not less than ten dollars nor more than twenty dollars] *not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.* Renewal may be effected during the month of June by payment to the director of the fee set. In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee: PROVIDED, That any registrant in good standing may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

Sec. 2. Section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18.15.060 are each amended to read as follows:

Every person licensed as a barber shall pay an annual license fee of [nine] *not more than ten dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act,* for a license renewal certificate on or before the thirtieth day of June each year. Failure to pay the annual license renewal fees before delinquency shall work a forfeiture of the license, but the license may be renewed within three years thereafter without examination upon application therefor by the licensee, and payment of a fee of fifteen dollars plus all lapsed fees. Should the licensee allow his license to elapse for more than three years, he must be reexamined as for a new license.

Sec. 3. Section 7, chapter 180, Laws of 1951, as last amended by section 11, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.140 are each amended to read as follows:

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, [three] *not more than five dollars;* instructor operator, *not more than six dollars;* manager operator, [five] *not more than six dollars;* shop, *not more than seven dollars;* school, *not more than one hundred and fifty dollars, all such fees to be determined by the director as provided in section 21 of this 1971 amendatory act.*

A certificate of health is required with an application for an original license, one must also be filed with a renewal application. Any operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 4. Section 6, chapter 149, Laws of 1955 as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22.120 are each amended to read as follows:

Every person practicing chiropody must renew his license each year and pay a renewal fee of [fifteen] *not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.*

Any chiropody license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

Sec. 5. Section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53, Laws of 1959 and RCW 18.25.070 are each amended to read as follows:

Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance during the preceding year, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners.

Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee of [fifteen] *not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.* The director shall, thirty days or more before September first, of each year mail to all chiropractors in the state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

Sec. 6. Section 3, chapter 201, Laws of 1967 and RCW 18.28.030 are each amended to read as follows:

An application for a license shall be in writing, under oath, and in the form prescribed by the director. The application shall contain such relevant information as the director may require, but in all cases shall contain the name and residential and business addresses of each individual applicant, and of each member when the applicant is a partnership or association, and of each director and officer when the applicant is a corporation.

Except as provided hereinafter in this section the applicant shall pay an investigation fee of fifty dollars and a licensing fee of [fifty] *not more than eighty dollars to be determined by the director as provided in section 21 of this 1971 amendatory act:* PROVIDED, That a branch office of a licensed debt adjusting agency need not pay an investigation fee but only the licensing fee. If a license is not issued in response to the application, the director shall return [fifty dollars] *the licensing fee* to the applicant. An annual license fee of [fifty] *not more than eighty dollars, to be determined by the director*

as provided in section 21 of this 1971 amendatory act, shall be paid to the director by January 1st of each year. If the annual license fee is not paid by January 1st, the licensee shall be assessed a penalty for late payment in the amount of twenty-five dollars. And if the fee and penalty are not paid by January 31st, reapplication for a new license will be necessary, which may include taking any examination prescribed by the director.

The applicant shall file a surety bond with the director or in lieu thereof the applicant may file with the director a cash deposit or other negotiable security acceptable to the director and under conditions set forth in RCW 18.28.040: PROVIDED, That each branch office of a debt adjusting agency shall be required to be bonded as provided herein, but no bond will be required of an individual applicant while he is employed by a bonded debt adjusting agency or branch thereof.

The applicant shall furnish the director with such proof as the director may reasonably require to establish the qualifications set forth in RCW 18.28.060.

If the applicant is an individual person making an original license application he shall pay an examination fee of fifty dollars.

If the applicant is applying for a debt adjusting agency license it shall furnish the director with complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors, and complete forms of all contracts and agreements designed for execution by creditors to whom payments are made by the applicant. Only such forms furnished the director and not disapproved by him shall be used by a debt adjusting agency licensee.

Sec. 7. Section 1, chapter 83, Laws of 1953 and RCW 18.36.115 are each amended to read as follows:

Every person heretofore or hereafter granted a license under this chapter shall pay to the director an annual license renewal fee of [five] *not more than twenty-five* dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual license renewal fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 8. Section 6, chapter 108, Laws of 1937 and RCW 18.39.050 are each amended to read as follows:

Every application for a license hereunder, whether for an initial issue or for a renewal of one already granted, shall be made in writing on a form prescribed by the director [of licenses] and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall pay to the state treasurer the sum of [ten] *twenty-five* dollars and, in case such application is granted he shall pay the further sum of fifteen dollars prior to the issuance of such license. Every licensed embalmer or *licensed* funeral director [who has been in the business in the state of Washington not less than one year prior to the 31st day of December, 1936, and who shall register as such with said director of licenses as herein provided, shall, on or prior to the 31st day of December, 1937, pay to the state treasurer the sum of ten dollars, and thereupon he shall be entitled to and receive a license as such for the year commencing January 1, 1938. Every licensed embalmer making] *shall make* an application for a renewal of his license for the succeeding year [shall], on or before the 31st day of December [prior to such year] *of the current year, and* pay to the state treasurer the sum of [five] *not more than ten* dollars, [and every licensed funeral director making an application for renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year, pay to the state treasurer the sum of five dollars] *to be determined by the director as provided in section 21 of this 1971 amendatory act, and upon the payment [of said fees, the person making the application] thereof shall be entitled to a [license without examination] renewal of his license.*

Sec. 9. Section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a [one hundred dollar] fee of *not more than fifty dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.* In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars or proceedings set by the board. The board shall have the power to approve

programs, classes, seminars or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules and regulations providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this chapter although he does not actively engage in nursing home administration.

Sec. 10. Section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050 are each amended to read as follows:

During the month of January of each year, every registered optometrist shall pay to the state treasurer [fifteen] a fee of not more than twenty-five dollars as a renewal fee, to be determined by the director as provided in section 21 of this 1971 amendatory act, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly.

Sec. 11. Section 6, chapter 4, Laws of 1919 and RCW 18.57.050 are each amended to read as follows:

Each applicant on making application shall pay the director a fee of twenty-five dollars which shall be paid to the state treasurer by said director and used to defray the expenses and compensation of said director. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars shall be returned. All persons licensed to practice osteopathy or osteopathy and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the director a renewal license fee of [five] not more than fifteen dollars to be determined by the director as provided in section 21 of this 1971 amendatory act [, except that the first payment after the passage of this act shall be paid on or before the first day of August 1917. This fee shall be reduced to two dollars after 1925]. Licenses not so renewed will not be valid. The director shall thirty days or more before May 1st of each year mail to all active practitioners of osteopathy or osteopathy and surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May [: except that the first notice after the passage of this act shall be sent on or before July 11, 1917]. Nothing in this chapter shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

Sec. 12. Section 36, chapter 202, Laws of 1955 and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine and surgery in this state shall register with the director of [licenses] department of motor vehicles annually, and pay an annual renewal registration fee of [seven] not more than ten dollars to be determined by the director as provided in section 21 of this 1971 amendatory act, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 13. Section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070 are each amended to read as follows:

Every registered physical therapist shall, during the month of January [, 1953, and during the month of January every third year thereafter], apply to the director [of licenses] for [an extension] a renewal of his registration and pay a fee of [fifteen] not more than ten dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act, to the state treasurer. Registration that is not so [extended in the first instance before February 1, 1953, and thereafter] made before February 1st of every [third] year, shall automatically lapse. Upon the recommendation of the examining committee the director [of licenses] shall revive [and extend] a lapsed registration on the payment of all past unpaid [extension] renewal fees.

Sec. 14. Section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall register annually with the division of professional licensing in the department of motor vehicles, on or before the first day of March, and shall pay an annual fee of [three] not more than five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall

be reinstated upon written application therefor to the division of professional licensing, and upon payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 15. Section 20, chapter 70, Laws of 1965 and RCW 18.83.072 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the director, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) *The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060.*

Sec. 16. Section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090 are each amended to read as follows:

Each licensed psychologist [may] shall renew his license by paying to the state treasurer, on or before the tenth day of January of each year, a renewal fee in the amount of [ten] *not more than fifteen dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.* Upon receipt of such payment by the state treasurer the director shall issue a certificate of renewal in such form as the director shall determine.

Sec. 17. Section 43, chapter 52, Laws of 1957 and RCW 18.85.200 are each amended to read as follows:

Notice in writing shall be given to the director of any change by a real estate broker, associate broker, or salesman of his business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and a payment of a fee of [one] *five* dollars, the director shall issue a new license or duplicate license, as the case may be, covering the new location.

Sec. 18. Section 19, chapter 202, Laws of 1949 as amended by section 11, chapter 288, Laws of 1961 and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be annually renewed, except as hereinafter provided. On or before January 1st, the director shall mail a notice for renewal of license to every person licensed for the current year. The applicant shall return the notice to the state treasurer with a renewal fee of [three] *not more than five* dollars, *to be determined by the director as provided in section 21 of this 1971 amendatory act,* before March 1st. Upon receipt of the notice and fee the director shall issue to the applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st of that year. Such certificate of renewal shall render the holder thereof a legal practitioner of professional nursing for the period stated on the certificate of renewal.

Sec. 19. Section 4, chapter 200, Laws of 1959 and RCW 18.90.040 are each amended to read as follows:

Applicants for registration shall pay a fee of twenty-five dollars at the time of making application. A sanitarian registered under the provisions of this chapter [may] shall renew his certificate by paying an annual renewal fee of [ten] *not more than fifteen* dollars *to be determined by the director as provided in section 21 of this 1971 amendatory act.* All receipts realized in the administration of this chapter shall be paid into the general fund into a special account to be known as the sanitarians' licensing account. [At the end of each biennium all moneys in said account in excess of two thousand dollars shall be removed from said account and placed in the general fund. There is hereby appropriated from the general fund to the professional division of the department of licenses two thousand dollars to be placed in the sanitarians' licensing account, and to be administered and disbursed by the director of licenses in carrying out the provisions of this chapter.] All fees shall be due and payable on or before the first day of July for the current year for which the renewal certificate shall be issued. All certificates shall expire on the renewal date unless renewed prior to such date. When such fees are not paid in full before September 1st they shall become delinquent and there shall be added to the renewal fee a penalty of five dollars. Any certificate not having been renewed by October 1st of the year of expiration shall be considered lapsed. In the event an applicant shall fail to pass any examinations provided for under this chapter and the board shall grant permission for a reexamination, such applicant on reexamination shall pay an additional fee of fifteen dollars.

Sec. 20. Section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145 are each amended to read as follows:

The following fees shall be charged by the director:

(1) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, fifty dollars.

(2) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, one hundred dollars.

(3) For the annual renewal of a license to practice veterinary medicine, surgery, and dentistry, [ten] *not more than fifteen* dollars *such fee to be determined by the director as provided in section 21 of this 1971 amendatory act.*

(4) For a temporary permit to practice veterinary medicine, surgery and dentistry, fifteen dollars. The temporary permit fee shall be accompanied by the full amount of the examination fee of fifty dollars.



*NEW SECTION.* Sec. 21. There is added to chapter 46.01 RCW a new section to read as follows:

The director shall determine the amount of the fees required to be fixed by him under the provisions of chapters 18.08, 18.15, 18.18, 18.22, 18.25, 18.28, 18.36, 18.39, 18.52, 18.53, 18.57, 18.71, 18.74, 18.78, 18.83, 18.88, 18.90, and 18.92 RCW according to the expenditures of the department to be incurred as a result of the administration of each of the professions regulated by each of these respective chapters except that such fees shall not exceed the maximum fee provided for by law.

Before determining such fees as required by this section, the director shall give notice of his preliminary determination of such fees and shall hold a hearing on such fees, at the request of any interested person. The director shall take testimony regarding such fees and shall increase or decrease the amount of such fees if the testimony indicates that such increase or decrease is necessary to meet the standard provided for the determination of such fees in this section.

If no request for a hearing is made by any interested person, the preliminary determination made by the director shall become the final determination of the fee.

In the case of renewal fees, such notice shall be given and the hearing held, if required, by the director prior to ninety days before such renewal fees are due and payable.

*NEW SECTION.* Sec. 22. There is added to Title 18 RCW, a new section to read as follows:

No person shall be eligible to serve as a member of a statutory professional licensing board unless such person is licensed to practice the profession over which the board exercises authority."

Strike all of the title and substitute the following:

"An Act relating to businesses and professions; amending section 10, chapter 323, Laws of 1959 and RCW 18.08.190; amending section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18.15.060; amending section 7, chapter 180, Laws of 1951, as last amended by section 11, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.140; amending section 6, chapter 149, Laws of 1955, as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22.120; amending section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53, Laws of 1959 and RCW 18.25.070; amending section 3, chapter 201, Laws of 1967 and RCW 18.28.030; amending section 1, chapter 83, Laws of 1953 and RCW 18.36.115; amending section 6, chapter 108, Laws of 1937 and RCW 18.39.050; amending section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110; amending section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050; amending section 6, chapter 4, Laws of 1919 and RCW 18.57.050; amending section 36, chapter 202, Laws of 1955 and RCW 18.71.080; amending section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070; amending section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090; amending section 20, chapter 70, Laws of 1965 and RCW 18.83.072; amending section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090; amending section 43, chapter 52, Laws of 1957 and RCW 18.85.200; amending section 19, chapter 202, Laws of 1949 as amended by section 11, chapter 288, Laws of 1961 and RCW 18.88.190; amending section 4, chapter 200, Laws of 1959 and RCW 18.90.040; amending section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145; and adding a new section to chapter 46.01 RCW."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Day, the Senate adheres to its position and refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 51.

#### MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 313 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTIONS

Senator Day moved that the Senate recede from the Senate amendments to House Bill No. 313 and moved that the rules be suspended and House Bill No. 313 be returned to second reading.

Debate ensued.

The motion to suspend the rules and return to second reading carried.

Senator Day moved adoption of the following amendment:

Add new sections following section 4 as follows:

**"NEW SECTION. Sec. 5.** The purpose of sections 5 through 14 of this 1971 amendatory act is to authorize and establish a tuberculosis and respiratory disease hospital district in the state to operate a hospital and supply hospital service for the residents of such district and such others as the district shall deem necessary.

**NEW SECTION. Sec. 6.** There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Eastern district, consisting of the following named counties: Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille; the headquarters county of such district shall be Spokane county. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

**NEW SECTION. Sec. 7.** The Eastern tuberculosis and respiratory disease hospital district in this state shall be governed by a commission consisting of five members, three of whom shall be members of the legislative authority of the headquarters county to be chosen by and to serve at the pleasure of such legislative authority and two of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district. If such advisory committee shall fail to fill a vacancy within two weeks, the governor shall fill such vacancy and so notify the commission. Initial members of the commission shall be elected or appointed within ten days of the effective date of sections 5 through 14 of this 1971 amendatory act. Such advisory committee shall counsel the commission with respect to commission powers and duties under sections 5 through 14 of this 1971 amendatory act. Failure of any member to continue in public office shall result in a commission vacancy which shall be filled as in the case of original appointment or election.

**NEW SECTION. Sec. 8.** The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis and respiratory diseases. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis and respiratory control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

**NEW SECTION. Sec. 9.** The district commission shall have authority:

(1) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said commission shall have the power to contract with other communities, corporations or individuals for the services provided by said district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: **PROVIDED**, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(2) To enter into any contract with the United States government, or any state or municipality for carrying out any of the powers authorized in sections 5 through 14 of this 1971 amendatory act;

(3) To sue and be sued in any court of competent jurisdiction: **PROVIDED**, That all suits against the district shall be brought in the headquarters county of the district; and

(4) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all those things necessary to carry out the purposes of sections 5 through 14 of this 1971 amendatory act.

Commission members shall be reimbursed for reasonable expenses incurred in connection with commission business and meetings, including subsistence and lodging and travel while away from their place of residence. Commission organization and proceedings shall be in accordance with that for public hospital district commissions under RCW 70.44.050.

**NEW SECTION. Sec. 10.** The commission shall as soon as possible after the effective date of sections 5 through 14 of this 1971 amendatory act enter into those necessary negotiations and agreements to obtain the use of the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

**NEW SECTION. Sec. 11.** Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In addition, environmental conditions today make vital the advancement of remedies relating to respiratory diseases. In order to carry on work effectively in these fields there shall be levied for tuberculosis and respiratory disease hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, the receipts therefrom to be forwarded by the treasurers of such

county to the treasurer of the headquarters district county, who shall be treasurer for the district. The commission shall return a total of thirty-five percent of moneys received from the levy provided under this section to the chief health officers of the counties, other than the headquarters county, which funds are to be allocated to specific counties based on caseload in the counties pursuant to standards promulgated by the district commission. Such returned funds are to be used by the chief health officers to carry out tuberculosis control and respiratory disease treatment on a local county level. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid.

*NEW SECTION. Sec. 12.* The district created by section 6 of this 1971 amendatory act shall not participate in any distributions made pursuant to chapter 70.32 RCW on and after the effective date of sections 5 through 14 of this 1971 amendatory act. On and after January 1, 1972 the provisions of chapter 70.32 RCW shall not apply to the eastern district created by section 6 of this 1971 amendatory act.

*NEW SECTION. Sec. 13.* The department of social and health services shall have the same authority over the hospital of a tuberculosis and respiratory disease hospital district as its authority over any privately administered hospital in this state.

*NEW SECTION. Sec. 14.* Until January 1, 1972, counties and the state shall continue to pay for the treatment of county patients at Edgecliff in Spokane, Washington, in the same manner as they have during this 1969-1971 fiscal biennium prior to the effective date of sections 5 through 14 of this amendatory act.

*NEW SECTION. Sec. 15.* Sections 5 through 14 of this 1971 amendatory act are 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 Holman: "Would Senator Day yield? This is rather a sudden development. I was not kept abreast of this at all and am quite concerned about it. What is supposed to be the future of Firland?"

Senator Day: "What this will do is give us an opportunity to have a trial on this one side. Actually last year Firlands only got twenty-one hundred dollars from the state so the real bulk of the money in this particular program, Senator, is for the east side hospital. Now of course this would change the basic program but this would give us a pilot program to see if this particular thing will work with these hospitals. In the meantime, of course, Firland does not require that much funding so it really is not that big a budgetary impact. I think we can fund it as we did before."

Senator Holman: "Would you have any objection to holding this over so I could check with the Firland people on the impact of this?"

Senator Day: "The problem is that we cannot get the Firland amendment through the House. By not getting it through the House we would not have it anyhow. We would not have it for either side of the state. I have done considerable leg work on this this morning and we just cannot get the people from the west side to show too much concern in the House. Consequently, otherwise we would have had fifty votes to concur."

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

On motion of Senator Day, the following amendment to the title was adopted:

Strike all of the title and insert the following:

"An Act relating to the public health; authorizing the creation of tuberculosis and respiratory disease hospital districts; implementing the law relating to county hospitals and infirmaries; amending section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270; adding a new section to chapter 36.62 RCW; creating new sections; repealing section 36.62.280, chapter 4, Laws of 1963 and RCW 36.62.280; providing for the levy of certain taxes; and declaring an emergency."

On motion of Senator Day, the rules were suspended, House Bill No. 313, 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. 313, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day,

Donohue, Dore, Elicker, Fleming, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—43.

Voting nay: Senator Foley—1.

Absent or not voting: Senators Andersen, Gardner, Talley, Whetzel—4.

Excused: Senator Durkan—1.

HOUSE BILL NO. 313, 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:

HOUSE BILL NO. 77,

HOUSE BILL NO. 82,

HOUSE BILL NO. 106,

HOUSE BILL NO. 181,

HOUSE BILL NO. 213,

HOUSE BILL NO. 303,

HOUSE BILL NO. 416,

HOUSE BILL NO. 477,

HOUSE BILL NO. 486,

SUBSTITUTE HOUSE BILL NO. 545,

SUBSTITUTE HOUSE BILL NO. 584,

SECOND SUBSTITUTE HOUSE BILL NO. 594,

HOUSE BILL NO. 738,

SUBSTITUTE HOUSE BILL NO. 762,

HOUSE BILL NO. 798,

SUBSTITUTE HOUSE BILL NO. 915,

HOUSE BILL NO. 1046,

SENATE BILL NO. 314,

SUBSTITUTE SENATE BILL NO. 553,

SENATE BILL NO. 629,

SENATE BILL NO. 755.

#### MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 853 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Francis, the Senate refused to recede from the Senate amendment to Engrossed House Bill No. 853 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. 853 and the Senate amendment thereto: Senators Francis, Elicker and Day.

#### MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 307 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate refused to recede from the Senate amendments to House Bill No. 307 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. 307 and the Senate amendments thereto: Senators Donohue, Sandison and Andersen.

## MOTIONS

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

On motion of Senator Greive, the Senate immediately commenced consideration of Senate Bill No. 691.

## SECOND READING

SENATE BILL NO. 691, by Senators Greive, Andersen, Holman, Durkan, Connor, Whetzel, Washington, Murray and Scott:

Authorizing local excise taxes for support of public transportation.

The Senate resumed consideration of Senate Bill No. 691 and the motion by Senator Mardesich to reconsider the vote by which the amendment by Senator Atwood was adopted.

With permission of the Senate on May 6, 1971, the amendment by Senator Atwood was considered prior to the consideration of the committee amendments.

Debate ensued.

Senator Atwood demanded a roll call on the motion by Senator Mardesich and the demand was sustained by Senators Greive, Holman, Matson, Francis, Murray, Washington, Donohue, Stender, Dore and Jolly.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion by Senator Mardesich carried by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Andersen, Bailey, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Francis, Gardner, Greive, Henry, Herr, Holman, Huntley, Keefe, McCutcheon, McDougall, Metcalf, Murray, Peterson (Ted), Scott, Twigg, Walgren, Washington, Whetzel—27.

Voting nay: Senators Atwood, Canfield, Donohue, Foley, Gissberg, Guess, Jolly, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Wilson, Woodall—21.

Excused: Senator Durkan—1.

The President declared the question before the Senate to be the adoption of the amendment, on reconsideration, by Senator Atwood.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Stender, Atwood, Stortini, Greive, Canfield, Jolly, Odegaard, Lewis, Connor and Knoblauch.

## ROLL CALL

The Secretary called the roll and the amendment by Senator Atwood was not adopted, on reconsideration, by the following vote: Yeas, 24; nays, 25; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Donohue, Foley, Gardner, Gissberg, Guess, Jolly, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Wilson, Woodall—24.

Voting nay: Senators Andersen, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Francis, Greive, Henry, Herr, Holman, Huntley, Keefe, McCutcheon, McDougall, Metcalf, Murray, Peterson (Ted), Scott, Twigg, Washington, Whetzel—25.

The motion by Senator Mardesich carried and the amendment by Senator Atwood, on reconsideration, was not adopted.

## MOTION

On motion of Senator Durkan, the Senate began consideration of the committee amendments to Senate Bill No. 691.

## REPORT OF STANDING COMMITTEE

April 29, 1971.

SENATE BILL NO. 691, authorizing local excise taxes for support of public transportation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10 of the title after "section" strike "and declaring an emergency"

On page 2, section 2, line 1, delete all of sections 2, 3 and 4 down through line 11 on page 4, and renumber the following sections consecutively

On page 4, section 5, line 13, after "body" and before "of" insert the following: "upon written request by the mayor or other executive officer"

On page 4, section 5, line 20, after "amended" and before the comma insert the following: "submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of metropolitan public transportation pursuant to chapter 35.58 RCW and if approved by a majority of persons voting thereon"

On page 4, section 5, line 21, after "chapter" and before the period insert the following: "to be effective on or after July 1, 1972"

On page 4, section 5, line 21, immediately following the previous amendment insert the following: "PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to the 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, First Extraordinary Session, Laws of 1969."

On page 5, section 5, line 2, after "authorization" and before the period insert the following: "PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this 1971 amendatory act, no city within such county or wholly or partly within such metropolitan municipal corporation shall impose an excise tax pursuant to RCW 35.95.040"

On page 6, section 9, line 3, strike all of section 9.

Signed by: Senators Durkan, Chairman; Andersen, Bailey, Canfield, Day, Donohue, Francis, Greive, Guess, Huntley, Jolly, Lewis, Metcalf, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Twigg, Walgren, Washington.

On motion of Senator Durkan, the committee amendments to page 2, section 2 and page 4, section 5, line 13 were adopted.

Senator Durkan moved adoption of the committee amendment to page 4, section 5, line 20.

Senator Dore moved adoption of the following amendment by Senators Dore and Ridder to the committee amendment:

Amend the committee amendment to page 4, section 5, line 20, as follows: Add to the amendment, "That such proposition submitted to the voters for authorization shall include language stating that such proposition shall be partially financed by the levying of an additional three-tenths of one percent of the state sales tax on the residents of King county."

Debate ensued.

## POINT OF INQUIRY

Senator Bailey: "Would Senator Dore yield? Senator, just a quick glance at this, I see three-tenths of one percent of the state sales tax. Would it be better if we struck the word 'state' and had 'sales tax'?"

Senator Dore: "I have no objection. I think 'state' is all right but. . ."

Senator Bailey: "Mr. President, I just want to be very sure that in some interpretation later that no one could think that the state sales tax is being increased by three-tenths of one percent and that other people in the state were going to pay for King county's problem."

## POINT OF INQUIRY

Senator Holman: "Mr. President, will Senator Dore yield? If we are going to put this amendment on I think it is necessary to get it in the right legal language. You do not levy a sales tax on residents, you levy it on sales, and it does not make any difference where the purchaser lives, it is where the sale takes place. So I think what you mean, looking at it closely but fairly, an additional three-tenths of one cent per dollar on sales within King county. Would that satisfy you?"

Senator Dore: "I am a lawyer, I drafted it. I put it specifically so they would know that the proposition would state that this sales tax would be levied on all residents of King county as distinguished, what I originally thought it would be levied only on residents who resided in the metro area, that is the area within the outer bounds of King county. That is why I did not want any subterfuge or misinformation that everyone in King county voting on it would realize that they would be voting themselves an additional three-tenths of one percent."

Senator Holman: "I agree with what you are trying to do but is it not true that the sales tax is levied on the transaction and not on the resident?"

Senator Dore: "I think my amendment is all right. If you think there is something wrong with it, if you can keep the intent of what I am trying to do; I think it is all right the way it is but if you think you have some golden words to insert I have no objection."

## POINT OF INQUIRY

Senator Jolly: "I was just going to ask Senator Dore if he would yield to a question. Will this language you have in this amendment, I am not a resident of King county, if I bought something in Seattle, would I be subject to this three-tenths of a cent sales tax?"

Senator Dore: "If you bought it in Seattle you would."

Senator Jolly: "Even though I am not a resident?"

Senator Dore: "Right. You do not carry your certificate with you that you are a non-resident. That is only if you live in Vancouver and buy things in Portland, I guess."

There being no objection, the amendment to the committee amendment by Senators Dore and Ridder was withdrawn.

On motion of Senator Dore, the following amendments to the committee amendment were adopted:

On page 4, section 5, line 20, after "amended" and before the comma insert "submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of metropolitan public transportation pursuant to chapter 35.58 RCW and if approved by a majority of persons voting thereon"

On line 21, following July 1, 1972, added by the committee amendment to line 21, insert "; that such proposition submitted to the voters for authorization shall include language stating that such proposition shall be partially financed by the levying of an additional three-tenths of one percent per dollar on sales transactions within King county"

The committee amendment, as amended, was adopted.

Senator Durkan moved adoption of the committee amendment to page 4, section 5, line 21.

Senator Atwood moved adoption of the following amendment to the committee amendment:

On page 4, section 5, line 21, after "1969" insert "; and PROVIDED FURTHER, That after June 30, 1973 no sales or use tax levied and collected pursuant to the 1971 amendatory act may be used as such qualifying matching funds."

Debate ensued.

Senator Atwood demanded a roll call and the demand was sustained by Senators Walgren, Donohue, McDougall, Andersen, Holman, Wilson, Stortini, Durkan, Elicker and Whtzel.

## ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Day, Donohue, Dore, Durkan, Gardner, Gissberg, Guess, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Wilson—26.

Voting nay: Senators Andersen, Clarke, Connor, Cooney, Elicker, Fleming, Francis, Greive, Henry, Herr, Holman, Huntley, McCutcheon, McDougall, Metcalf, Murray, Peterson (Ted), Scott, Twigg, Washington, Whetzel, Woodall—22.

Absent or not voting: Senator Foley—1.

The committee amendment, as amended, was adopted.

On motion of Senator Durkan, the rules were suspended, Engrossed Senate Bill No. 691 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 Andersen: "Would Senator Durkan yield to a question? Senator, I could have just walked across and asked you except we have come to the point here where we are voting on this. Does Senate Bill No. 691, the way it is drafted now, knock out the municipal business and occupation tax as it has been presently amended? I have lost track somewhat of the amendment."

Senator Durkan: "My best judgment was it was a household tax."

Senator Andersen: "That is what I thought but I wanted to make sure there had not been an inadvertence here."

Senator Durkan: "Yes, it is a household tax."

The Secretary commenced calling the roll on Engrossed Senate Bill No. 691.

## PERSONAL PRIVILEGE

Senator Durkan: "Point of personal privilege if I can interrupt the roll call. I was asked by Senator Andersen if it knocked out the business and occupation tax and I said the household tax and I should have said the household tax and the business and occupation tax. I am sorry, Senator Andersen, but for any Senator on the floor who wanted to be informed on that, I think they should know."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 691 and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Keefe, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Peterson (Ted), Scott, Twigg, Washington, Whetzel—31.

Voting nay: Senators Donohue, Foley, Gissberg, Jolly, Knoblauch, Lewis, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Wilson—16.

Absent or not voting: Senators Huntley, Woodall—2.

ENGROSSED SENATE BILL NO. 691, having received the 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. 437,  
SUBSTITUTE HOUSE BILL NO. 561,



ENGROSSED HOUSE BILL NO. 597,  
 ENGROSSED HOUSE BILL NO. 622,  
 HOUSE BILL NO. 707,  
 HOUSE BILL NO. 860.

### MOTION

On motion of Senator Greive, Senators Andersen, Donohue and Sandison were excused for the purpose of a Conference Committee meeting.

### SPECIAL ORDER OF BUSINESS

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, by Committee on Elections and Apportionment:

Implementing laws relating to elections.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 433, the committee amendment was not adopted and the amendment by Senator Holman adding new section 13 was adopted on May 6, 1971.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Dore:

On page 7 after section 22 insert new sections as follows:

*NEW SECTION.* Sec. 23. There is added to chapter 9, Laws of 1965 and to Title 29 RCW a new chapter to read as set forth in sections 24 through 33 of this 1971 act.

*NEW SECTION.* Sec. 24. 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 express their choice for candidates for nominations for president. The presidential preference primary shall be held on the second Tuesday in May of such year.

*NEW SECTION.* Sec. 25. Each voter shall have the opportunity to vote on the official presidential preference primary ballot for one person to be the candidate for nomination for president of the United States. The name of any candidate for a 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 in his sole discretion that the candidate's candidacy is generally advocated or recognized in national news media throughout the United States; or

(2) If a petition for nomination of the candidate is presented. The petition shall have attached thereto a sheet or sheets containing the signatures of at least a number of registered voters equal to one percent of the vote cast at the last general election in the state for the candidates for presidential elector of the party to which the candidate belongs, or at least one thousand such registered voters, whichever number is the greater. The petition shall be filed with the secretary of state not later than the sixtieth day prior to the presidential primary.

The format of the signature petition sheets shall be prescribed by the secretary of state and shall be patterned after but not limited to such sheets as used for state initiative and referendum measures. The signatures so submitted shall be certified in the manner prescribed in RCW 29.79.200 and 29.79.210.

The secretary of state shall, on the ninetieth day prior to the presidential primary, publicly announce a tentative list of names and political party affiliations of presidential candidates that he intends to identify pursuant to paragraph (1) of this section. On the second Monday after the close of the time for acceptance of petitions, the secretary of state shall publicly announce the name and political party affiliation of each presidential candidate as a final determination pursuant to paragraphs (1) and (2) of this section. These names shall be placed on the presidential primary election ballot: PROVIDED, HOWEVER, That the name of a candidate shall not be placed on the ballot if such candidate executes and files with the secretary of state no later than the last Monday in March an affidavit stating without qualification that he is not now and does not intend to become a candidate for the office of president of the United States at the forthcoming election.

No declaration of candidacy or affidavit of candidacy shall be required from any candidate as a condition for printing the name of that candidate on the official ballot used in the presidential preference primary.

*NEW SECTION.* Sec. 26. The names of candidates for nominations for president of the United States shall be printed on the official ballots for the presidential preference primary according to political party, with the list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election placed first on the ballot, the list of candidates of the party whose candidate for president of the United States received the next highest number of votes placed second on the ballot, and the list of candidates of other parties

placed on the ballot in the order in which petitions are filed with the secretary of state for the first candidate of that party for whom petitions are presented. The names of the presidential candidates shall be printed alphabetically under the designation of their party.

**NEW SECTION. Sec. 27.** At a presidential preference primary, voters may vote for a candidate for nomination for president of the United States from among the candidates of one political party only. Any presidential preference primary ballot voted for more than one candidate, or in more than one party column, or for any candidate whose name is not printed upon the ballot shall be void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot.

**NEW SECTION. Sec. 28.** The presidential preference primary shall be by mail or absentee ballot only. Voting may be by paper ballot, by "ballot card" counted by "vote tally system" as those terms are defined in chapter 29.34 RCW as now or hereafter amended, or by any other means provided by law, so long as that means is suitable for voting by mail, as the secretary of state may select.

The secretary of state shall mail presidential preference primary ballots to each registered voter in the state at his address of record not later than fifteen days before the day of election. The records of the secretary of state shall be the official records for purposes of this mailing. Ballots may be distributed after the above deadline to voters who did not receive a ballot and who can establish their registered voter status to the satisfaction of the secretary of state. All ballots shall be mailed in such a manner that they will be returned to the secretary of state if not delivered to the voter.

Presidential preference primary ballots shall be counted if they reach the secretary of state by 8:00 p.m. the day of the election or earlier, or, in the case of ballots returned by mail, if they have been postmarked by 8:00 p.m. the day of the election or earlier.

Returned ballots may be opened, inspected, and readied for tabulation prior to the day of election. The tabulation of ballots may begin at any time during election day: **PROVIDED**, That all such election returns shall be held in secrecy until 8:00 p.m. election day. Any person revealing any election returns to unauthorized persons prior to 8:00 p.m. shall be subject to the same penalties as provided by RCW 29.54.035.

Insofar as is practicable, and where the provisions of sections 24 through 33 of this 1971 act do not specifically indicate otherwise, ballots shall be handled in the manner provided by law for handling of absentee ballots.

**NEW SECTION. Sec. 29.** Insofar as is practicable, and where the provisions of sections 24 through 33 of this 1971 act do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state primary, including the procedure for the certification of the election returns by the state canvassing board.

**NEW SECTION. Sec. 30.** Sections 24 through 33 of this 1971 act shall not repeal, amend, or modify any law relating to partisan primaries except as specifically provided, but shall be construed as setting forth specific requirements in the conduct of presidential preference primaries for the expression of popular choice for presidential candidates.

**NEW SECTION. Sec. 31.** Each delegate and alternate delegate to the national conventions will use his best efforts at the convention for the candidate of his party for the office of the president of the United States who receives the highest number of votes at the presidential preference primary, including without limitation, voting for such candidate, until such candidate is nominated, or releases the delegate, or until two convention nominating ballots have been taken. To qualify as a delegate or alternate delegate, any person selected by his state political party convention to attend that party's national nominating convention, shall within two weeks of his selection file with the secretary of state a pledge to act in accordance with the provisions of sections 24 through 33 of this 1971 act and any such person who refuses to so pledge or who acts in violation of his pledge shall be disqualified as a delegate or alternate delegate, as the case may be. The state party chairman shall select a substitute for any disqualified delegate from among the qualified alternate delegates.

**NEW SECTION. Sec. 32.** The manner of selection of delegates and alternate delegates to national political conventions shall not be affected by sections 24 through 33 of this 1971 act, except as provided in section 31 of this 1971 act, and nothing in sections 24 through 33 of this 1971 act shall be deemed to require or permit the election at the presidential preference primary of delegates to the national convention of a political party.

**NEW SECTION. Sec. 33.** Whenever a presidential preference primary election is held as provided by sections 24 through 33 of this 1971 act, the state of Washington shall assume all costs of holding such election."

Remember the remaining sections consecutively.

#### POINT OF ORDER

Senator Woodall: "I raise the point that this amendment enlarges the scope and object of the original bill. The measure which we started out with was rather a simple one to furnish the method by which the secretary of state could expedite the eighteen year old voting for the office of President and Congress and Senate. This opens up a whole new area of the direct primary law. It is a very voluminous measure not been considered by any committee, we are asked suddenly to pass on this on the floor, which changes the whole method by which we select delegates to our respective national conventions and changes the

manner in which the delegates are chosen who go to the national convention to select the nominees for office. I will not go into the merits of it, there are numerous arguments against it, but it clearly, definitely enlarges the scope and object of this bill and should not be allowed."

#### RULING BY THE PRESIDENT

The President: "In ruling upon the point of order presented by Senator Perry B. Woodall, the President finds that Engrossed Substitute House Bill No. 433 is a measure which sets up a system for persons eighteen years of age but not yet twenty-one years of age to vote in elections for national offices and modify certain residency requirements.

"The amendment proposed by Senator Mardesich and Senator Dore provides for the establishment of a presidential primary which would bind the party delegates to support the election choice at the national convention of the respective parties. The amendment does therefore increase the scope and object of the bill and the point of order is well taken."

The amendment as proposed by Senators Mardesich and Dore was ruled out of order.

Senator Stortini moved adoption of the following amendment:

On page 10 of the printed and engrossed bills, following the Holman amendment adding a new section 13, add the following:

"NEW SECTION. Sec. 14. There is hereby added to chapter 29.13 RCW a new section to read as follows:

Effective January 1, 1973, the city, town and district general elections held throughout the state on the first Tuesday following the first Monday in November in the odd-numbered years as provided for in RCW 29.13.020 is hereby established as a regular general election, within the intendment of the Constitution, Article II, section 1, as amended, for the purpose of enactment or rejection of referendums referred to the people by the legislature."

#### POINT OF ORDER

Senator Talley: "I raise the point the amendment by Senator Stortini enlarges the scope and object of the bill."

#### RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order as previously stated in the point raised on the presidential primary amendment, finds Engrossed Substitute House Bill No. 433 sets up a system for persons eighteen years of age and not yet twenty-one years of age to vote in elections for national offices and modifies residency requirements.

"The amendment proposed by Senator Stortini is a modified annual elections proposal which sets up annual elections for referendum purposes. The amendment therefore does enlarge the scope and object of the bill and the point as presented by Senator Talley is well taken."

The amendment proposed by Senator Stortini was ruled out of order.

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute House Bill No. 433, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 433, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—44.

Absent or not voting: Senators Dore, Woodall—2.

Excused: Senators Andersen, Donohue, Sandison—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 433, 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 Twigg, House Bill No. 403 was made a special order of business for 5:30 p.m. today.

## SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, by Committee on Local Government:

Providing for television reception improvement districts.

## REPORT OF STANDING COMMITTEE

April 29, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, providing for television reception improvement districts (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 3, line 26, after "than fifty" and before "registered voters" insert "percent of the"

On page 4, section 10, line 4, after "not receive" strike all of the material down to and including the comma on line 5, and insert "at least a class grade B contour signal re-transmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the federal communications commission as of the effective date of this act."

On page 4, section 11, line 17, after "tax" and before the period insert "but no such excise tax or costs, nor any judgment based thereon, shall be deemed to create a lien against real property"

On page 5, following section 13, add a new section as follows:

"NEW SECTION. Sec. 14. A district may translate or re-transmit only those signals which originate from commercial and educational television stations which directly provide, within some portion of the state of Washington, a class A grade or class B grade contour, as such classes are defined under regulations of the Federal Communications Commission as of the effective date of this act."

Remember the remaining sections accordingly.

On page 6, following section 19, add a new section as follows:

"NEW SECTION. Sec. 20. No television reception improvement district may be formed to operate and maintain any translator station presently or previously owned, operated or maintained by a television broadcaster."

Remember the remaining sections accordingly.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, McDougall, Peterson (Ted), Talley, Whetzel, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute House Bill No. 1041, 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 Bailey: "Will Senator Wilson yield? Senator, I notice you say that no broadcaster operating a re-broadcast or translator in the area could be brought under a district or you could not form a district in that area, but what about the independent cable company that operates in the area and then you have a dissatisfied customer that decides to get up a petition and disrupt the whole area by starting a public television district?"

Senator Wilson: "Senator Bailey, in the first place the act provides that new reflector operations may not be started which could then take over areas presently served by a cable television system. This act gives the authority to create a district only to reflector systems which are presently in existence. Beyond this, considerable safeguards have been built into the act with respect to the formation of such districts. The requirement that petitions be signed by fifty percent of the registered voters, for example, is an extremely tough requirement. It is not the intent of this act at all to serve in a punitive fashion in any respect regarding cable television. The cable television people have attended hearings on this bill in both the House and Senate. A couple of the amendments proposed were at their request, and following the adoption of the amendments which we have just approved, the cable television association has expressed itself as having no opposition to this bill."

## POINT OF INQUIRY

Senator Ridder: "Will Senator Wilson yield? Senator, will this impede, inhibit or work in with a proposed educational television network across this state?"

Senator Wilson: "Senator, without being familiar with details regarding the educational television system that is proposed, I can only suggest that anything that would increase the dissemination of television programs, which this will, would certainly work to the advantage of the proposed educational operation."

Senator Ridder: "Further, Senator Wilson, would there be some way that schools could perhaps be worked into this without a full fee or something of the sort?"

Senator Wilson: "I cannot answer that, Senator. There is no such provision in the bill."

Senator Ridder: "But there is a possibility?"

Senator Wilson: "I just do not know. I am sorry."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1041, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Dore, Jolly, Mardesich—3.

Absent or not voting: Senators Atwood, Twigg—2.

Excused: Senators Andersen, Donohue, Sandison—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041, 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 Henry, the Senate immediately commenced consideration of House Bill No. 706.

HOUSE BILL NO. 706, by Representatives Flanagan, Amen, Haussler, Benitz, Bozarth and Kilbury:

Amending certain regulations of commission merchants.

## REPORT OF STANDING COMMITTEE

April 8, 1971.

HOUSE BILL NO. 706, amending certain regulations of commission merchants (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 2, line 28, after "orders" and before the period insert "*PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in section 14(2) of this 1971 amendatory act and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of sections 15 through 21 of this 1971 amendatory act and the license provision of this chapter excluding bonding provisions*"

On page 12, section 13, line 31, after "NEW SECTION." and before "There" strike "Sec. 13." and insert "Sec. 14."

On page 13, after section 13, now renumbered section 14, add the following new sections:

"NEW SECTION. Sec. 15. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Notwithstanding any other provision of law, for the purposes of sections 16 through 20 of this 1971 amendatory act, the term "grower" and the term "producer" shall have the meanings ascribed thereto by this section:

(1) "Grower" means any person, firm, company, or other organization that is engaged in the production of agricultural crops (other than sugar beets or alfalfa), which must be planted, cultivated, and harvested within a twelve month period.

(2) (a) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a grower and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

(b) The exemption provided for in RCW 20.01.030(1) shall not apply to a cooperative or association as defined therein, which acts as a processor defined herein, and markets such agricultural crops on behalf of the grower or on its own behalf.

**NEW SECTION.** Sec. 16. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

In order to carry out the purposes of this 1971 amendatory act, the director may require a processor to annually complete a form prescribed by the director, which, when completed, will show the maximum processing capacity of each plant operated by the processor in the state of Washington. Such completed form shall be returned to the director by a date prescribed by him.

**NEW SECTION.** Sec. 17. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

By a date or dates prescribed prior to planting time by the director, the director, in order to carry out the purposes of this 1971 amendatory act, may require a processor to have filed with him:

(1) A copy of each contract he has entered into with a grower for the purchase of acres of crops and/or quantity of crops to be harvested during the present or next growing season; and

(2) A notice of each oral commitment he has given to growers for the purchase of acres of crops and/or quantity of crops to be harvested during the present or next growing season, and such notice shall disclose the amount of acres and/or quantity to which the processor has committed himself.

**NEW SECTION.** Sec. 18. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any grower may file with the director on a form prescribed by him the acres of crops and/or quantity of crops to be harvested during the present or next growing season, which he understands a processor has orally committed himself to purchase.

**NEW SECTION.** Sec. 19. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any processor who, from the information filed with the director, appears to or has committed himself either orally or in writing to purchase more crops than his plants are capable of processing shall be in violation of this chapter and his dealer's license subject to denial, suspension, or revocation as provided for in RCW 20.01.330.

**NEW SECTION.** Sec. 20. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any processor who wilfully discriminates between growers with whom he contracts as to price, conditions for production, harvesting, and delivery of crops which is not supportable by economic cost factors shall be in violation of this chapter and the director may subsequent to a hearing deny, suspend, or revoke such processor's license to act as a dealer.

**NEW SECTION.** Sec. 21. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Sections 15 through 20 of this 1971 amendatory act shall take effect beginning on September 1, 1972."

In line 18 of the title after the semicolon following "RCW 20.01.475" strike the remainder of the title and insert: "adding new sections to chapter 139, Laws of 1959 and to chapter 20.01 RCW; and providing an effective date."

Signed by: Senators Jolly, Chairman; Canfield, Day, Donohue, Knoblauch, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Jolly, the rules were suspended, House Bill No. 706, 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. 706, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Dore, Mardesich—2.

Excused: Senators Andersen, Donohue, Sandison—3.

HOUSE BILL NO. 706, 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.

ENGROSSED HOUSE BILL NO. 40, by Representatives Newhouse, Moon, Berentson and Litchman (by Legislative Council request):

Removing mandatory directive to sell first class tide and shore lands and giving abutting owner preference to lease as well as buy.

The bill was read the second time by sections.

On motion of Senator Gissberg, the following amendment by Senators Gissberg and Whetzel was adopted:

Strike everything after the enacting clause and insert the following:

"Section 1. Section 112, chapter 255, Laws of 1927 and RCW 79.01.448 are each amended to read as follows:

[The owner or owners of land abutting or fronting upon tide or shore lands of the first class platted and appraised by the commissioner of public lands, as in this chapter provided, shall have the right, for sixty days following the filing of the final appraisal of the tide or shore lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide or shore lands in front of the lands so owned] *Upon platting and appraisal of tide or shore lands of the first class, as in this chapter provided, if the department of natural resources shall deem it for the best public interests to offer said tide or shore lands of the first class for lease, the department shall cause a notice to be served upon the owner of record of land fronting upon the tide or shore lands to be offered for lease if he be a resident of this state, or if he be a nonresident of this state, shall mail to his last known post office address, as reflected in the county records, a copy of the notice notifying him that the state is offering such tide or shore lands for lease, giving a description and the department's appraised fair market value of such tide or shore lands for lease, and notifying such owner that he has a preference right to apply to lease said tide or shore lands at the appraised value for the lease thereof for a period of sixty days from the date of service or mailing of said notice. If at the expiration of the sixty days from the service or mailing of the notice, as above provided, there being no conflicting applications filed, and the owner of land fronting upon the tide or shore lands offered for lease has failed to avail himself of his preference right to apply to lease or to pay to the department the appraised value for lease of the tide or shore lands described in said notice, then in that event, said tide or shore lands may be offered for lease and leased in the manner provided for the lease of state lands.*

*If at the expiration of sixty days two or more claimants asserting a preference right to lease shall have filed applications to lease any tract, conflicting with each other, the conflict between the claimants shall be equitably resolved by the department of natural resources as the best interests of the state require in accord with the procedures prescribed by chapter 34.04 RCW: PROVIDED, That [if the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide or shore lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed] any contract purchaser of land or rights, which land qualifies the owner for a preference right under this section, shall have first priority for such preference right.*

[If at the expiration of sixty days from and after the filing of the final appraisal with the commissioner of public lands, there being no conflicting applications filed, the applicant shall be deemed to have the right of purchase at the appraised value.

If at the expiration of sixty days two or more applicants claiming a preference right to purchase shall have filed applications to purchase any tract, conflicting with each other, the commissioner of public lands shall forthwith require each applicant, within a time stated, to submit under oath a full statement of facts whereby he claims a preference right of purchase.

In case any applicant shall fail to file such statement within the time stated, he shall, unless good cause be shown therefor, be deemed to have waived his claim to a right of purchase of the tract described in his application.

After such statements have been filed, if it be deemed advisable or necessary by the commissioner of public lands in order to determine the rights of the parties applying for said tract, he may order a hearing for that purpose.

The commissioner shall determine who has the first right of purchase to the whole, or any portion of the lot or tract, involved, and shall, unless appeal be taken from his determination to the superior court of the county in which the land is situated, proceed to sell such lands in accordance with his determination.

In case of appeal the court after a hearing de novo shall enter an order determining the rights of the parties to the appeal and the commissioner of public lands shall proceed to sell the lands in accordance with the court's determination.]

*NEW SECTION.* Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

- (1) This section shall only apply to:
  - (a) First class tidelands as defined in RCW 79.01.020;
  - (b) Second class tidelands as defined in RCW 79.01.024;
  - (c) First class shorelands as defined in RCW 79.01.028; and
  - (d) Second class shorelands as defined in RCW 79.01.032.

(2) Notwithstanding any other provision of law, from and after the effective date of this 1971 amendatory act, all tidelands and shorelands enumerated in subsection (1) owned by the state of Washington shall not be sold except to public entities as may be authorized by law, and shall not be given away.

(3) Tidelands and shorelands enumerated in subsection (1) may be leased for a period not to exceed fifty-five years: PROVIDED, That nothing herein shall be construed as modifying or canceling any outstanding lease during its present term.

(4) Nothing herein shall:

- (a) be construed to cancel an existing sale contract;
- (b) prohibit sale or exchange of beds and shorelands where the water course has changed and the area now has the characteristics of uplands;
- (c) prevent exchange involving state-owned tide and shorelands."

On motion of Senator Peterson (Lowell), the following amendment to the title by Senators Gissberg and Durkan was adopted:

In line 2 of the title after "RCW 79.01.448" and before the period insert "; and adding a new section to chapter 79.01 RCW"

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed House Bill No. 40, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 40, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Matson, Metcalf, Murray, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Lewis, Talley—2.

Absent or not voting: Senators Connor, McCutcheon, Mardesich—3.

Excused: Senators Andersen, Donohue, Sandison—3.

ENGROSSED HOUSE BILL NO. 40, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTIONS

On motion of Senator Greive, Engrossed House Bill No. 659 was ordered placed at the end of today's second reading calendar.

On motion of Senator Greive, Senate Bill No. 928 was ordered placed at the end of today's second reading calendar following consideration of Engrossed House Bill No. 659.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 655, by Committee on Natural Resources and Ecology:

Providing measures to prevent and control polluting caused by the discharge of oil.

The bill was read the second time by sections.

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 655 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 655, and the bill passed the Senate by the following vote: Yeas, 31; nays, 9; absent or not voting, 6; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Keefe, Knoblauch, McDougall, Murray, Peterson (Ted), Ridder, Scott, Stender, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—31.

Voting nay: Senators Jolly, Lewis, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Stortini, Talley—9.

Absent or not voting: Senators Cooney, Day, Durkan, Herr, McCutcheon, Mardesich—6.

Excused: Senators Andersen, Donohue, Sandison—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED HOUSE BILL NO. 335, by Representatives Bottiger, Jueling, Sawyer and Gallagher:

Delineating state agency authority over private schools.

The Senate resumed consideration of Reengrossed House Bill No. 335 and the pending amendment by Senator Canfield to the committee amendment to page 3, new section 7.

There being no objection, the amendment proposed by Senator Canfield was withdrawn.

The committee amendment, on motion by Senator Guess on May 6, 1971, was adopted.

On motion of Senator Guess, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Reengrossed House Bill No. 335, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Bill No. 335, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Connor, McCutcheon, Mardesich, Whetzel—4.

Excused: Senators Andersen, Donohue, Sandison—3.

REENGROSSED HOUSE BILL NO. 335, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Ridder, Reengrossed House Bill No. 335 was ordered immediately transmitted to the House.

HOUSE BILL NO. 739, by Representatives Lynch, King and Kiskaddon:

Providing for negotiations by community college boards of trustees and their academic employees.

The Senate resumed consideration of House Bill No. 739, the committee amendments having been adopted on May 6, 1971. An amendment by Senators Francis and Murray beginning on page 3, section 10, line 17 was pending from May 6, 1971.

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

On motion of Senator Francis, the following amendments to the title by Senators Francis and Murray were adopted:

On page 1, line 1 of the title, after "college" and before "districts" insert "and school"

On page 1, line 8 of the title after "RCW 28B.50.580" and before the period insert: "amending section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; amending section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 48A.72.020; amending section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; amending section 28A.72.070, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; amending section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 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; repealing section 28A.72.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.040; adding new sections to chapter 223, Laws of 1969 ex. sess. and chapter 28A.72 RCW; and making an appropriation."

On motion of Senator Francis, the rules were suspended, House Bill No. 739, 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. 739, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 5; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-41.

Absent or not voting: Senators Durkan, Henry, Keefe, McCutcheon, Matson-5.

Excused: Senators Andersen, Donohue, Sandison-3.

HOUSE BILL NO. 739, 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, House Bill No. 739, as amended by the Senate, was ordered immediately transmitted to the House.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, by Committee on Higher Education:

Implementing law relating to fees of state's colleges and universities.

#### REPORT OF STANDING COMMITTEE

May 3, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, implementing law relating to fees of state's colleges and universities (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 4, line 10 following section 5, strike sections 6 and 7 and insert the following new sections:

"Sec. 6. Section 28B.15.200, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.200 are each amended to read as follows:

Minimum general tuition fees [and incidental], *operating fees, and services and activities fees* at the University of Washington other than at summer quarters shall be as follows:

(1) For schools and departments other than [the schools of medicine and dentistry] *programs leading to the degrees of doctor of medicine and doctor of dental surgery, for*

(a) Full time resident students

(i) General tuition fee, [thirty-five] *thirty-nine* dollars; [and (ii) Incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.]

(ii) *Operating fees, eighty-nine dollars; and*

(iii) *Services and activities fees, thirty-seven dollars: PROVIDED, That the total of the general tuition fees together with operating fees and services and activities fees shall not exceed an amount of five hundred sixty-four dollars in any one academic year exclusive of the summer session.*

(b) Full time nonresident students

(i) General tuition fee, not less than one hundred [five] *fifteen* dollars; [and]

(ii) [Incidental] *Operating fees, [an amount which together with such general tuition fee, will be not less than one hundred fifty] three hundred one* dollars; *and*

(iii) *Services and activities fees, thirty-seven dollars.*

(2) For [schools of medicine and dentistry] *programs leading to the degrees of doctor of medicine and doctor of dental surgery, for*

(a) Full time resident students [except physical and occupational therapy students]

(i) General tuition fee, not less than one hundred eleven dollars; [and]

(ii) [Incidental] *Operating fees, [an amount which, together with such general tuition fee, will be not less than one hundred fifty] eighty-nine* dollars; *and*

(iii) *Services and activities fees, thirty-seven dollars.*

(b) Full time nonresident students [except physical and occupational therapy students]

(i) General tuition fee, not less than one hundred [sixty-five] *eighty-one* dollars; [and]

(ii) [Incidental] *Operating fees, [an amount which, together with such general tuition fee, will be not less than two] three hundred [fifty] one* dollars; *and*

(iii) *Services and activities fees, thirty-seven dollars.*

[c] Full time resident physical and occupational therapy students

(i) General tuition fee, not less than sixty five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred dollars.

(d) Full time nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.]

Sec. 7. Section 28B.15.300, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.300 are each amended to read as follows:

Minimum general tuition fees [and incidental], *operating fees, and services and activities fees* at Washington State University other than at summer semesters shall be as follows:

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, [fifty-two] *fifty-eight* dollars and fifty cents; [and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session.]

(b) *Operating fees, one hundred thirty-three dollars and fifty cents; and*

(c) *Services and activities fees, fifty-five dollars and fifty cents: PROVIDED, That the total of the general tuition fees together with operating fees and services and activities fees shall not exceed an amount of five hundred sixty-four dollars in any one academic year exclusive of the summer session.*

(2) Full time nonresident students:

(a) General tuition fee, one hundred [fifty-seven] *seventy-two* dollars and fifty cents;

[and] (b) [Incidental] *Operating fees, [an amount which, together with such general tuition fee, will be not less than two hundred twenty-five] four hundred fifty-one* dollars and *fifty cents; and*

(c) *Services and activities fees, fifty-five dollars and fifty cents.*

B. For the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, not less than [fifty-two] *one hundred sixty-two* dollars and fifty cents; [and]

(b) [Incidental] *Operating fees, [an amount which, together with such general tuition fee, will be not less than] one hundred [fifty-five] thirty-three* dollars and *fifty cents; and*

(c) *Services and activities fees, fifty-five dollars and fifty cents.*

(2) Full time nonresident students:

(a) General tuition fee, not less than [one] two hundred [fifty-seven] *seventy-one* dollars and fifty cents; [and]

(b) [Incidental] *Operating fees*, [an amount which, together with such general tuition fee, will be not less than three] *four hundred [twenty-five] fifty-one dollars and fifty cents;* and

(c) *Services and activities fees, fifty-five dollars and fifty cents.*"

Beginning on page 8, line 6, following section 8, strike sections 9 and 10 and insert the following new sections:

"Sec. 9. Section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.400 are each amended to read as follows:

The board of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and The Evergreen State College shall each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee [and incidental] , *operating fees, and services and activities fees* as follows:

(1) Full time resident students:

(a) General tuition fee, not less than [fifteen] *twenty-five* dollars; [and]

(b) *Services and activities fees, not less than forty-eight dollars and fifty cents; and*

(c) [Incidental] *Operating fees*, an amount which, together with such general tuition fee and *services and activities fees*, will not be more than one hundred [twenty] *sixty-nine* dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than [forty-five] *ninety-six* dollars;

(b) *Services and activities fees, not less than forty-eight dollars and fifty cents; and*

(c) [Incidental] *Operating fees*, an amount which, together with such general tuition fee and *services and activities fees*, will not be more than [two] *four hundred [forty] fifty-three* dollars.

Sec. 10. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees [and incidental] , *operating fees and services and activities fees* charged students registered at each community college other than at summer quarters shall be as follows:

(1) Full time resident students:

(a) General tuition [fees] *fee*, [fifty] *forty-one* dollars and fifty cents per quarter; [and]

(b) [Incidental] *Operating fees* [not more than twenty] , *twenty-seven* dollars per quarter; and

(c) *Services and activities fees, not more than fourteen dollars and fifty cents per quarter.*

(2) Full time nonresident students:

(a) General tuition [fees] *fee*, one hundred [fifty] *thirty-one* dollars and fifty cents per quarter; [and]

(b) [Incidental] *Operating fees*, [not more than twenty] *eighty-one* dollars per quarter; and

(c) *Services and activities fees, not more than fourteen dollars and fifty cents per quarter.*

Tuition [and incidental] , *operating fees and services and activities fees* consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education."

Signed by: Senators Sandison, Chairman; Atwood, Durkan, Foley, Guess, Holman, Lewis, Metcalf, Scott, Wilson.

The bill was read the second time by sections.

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

Senator Metcalf moved adoption of the following amendment:

On page 3, section 3, line 19, after "institution", strike the period and insert: "PROVIDED, HOWEVER, That the pro-rata amount of student fees used to pay either travel or honoraria for speakers not directly related to class instruction, shall not be a requirement of registration, but shall be at the voluntary discretion of the student."

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained by Senators Stender, Atwood, Twigg, Peterson (Ted), Metcalf, McDougall, Bailey, Clarke and Matson.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Metcalf was not adopted by the following vote: Yeas, 19; nays, 24; absent or not voting, 4; excused, 2.

Voting yea: Senators Canfield, Clarke, Dore, Durkan, Guess, Herr, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Peterson (Ted), Ridder, Stender, Talley, Twigg, Woodall—19.

Voting nay: Senators Atwood, Bailey, Connor, Cooney, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Henry, Holman, Jolly, Keefe, Murray, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Walgren, Washington, Whetzel, Wilson—24.

Absent or not voting: Senators Day, Gardner, Huntley, McCutcheon—4.

Excused: Senators Andersen, Donohue—2.

Senator Mardesich moved adoption of the following amendment:

On page 4 of the committee amendment after "and fifty cents." on the last line, add the following: "PROVIDED, HOWEVER, That in all cases, whether provided for in this section or otherwise by statute or regulation, graduate fees and tuition shall be no less than one hundred fifty percent of undergraduate fees and tuition."

Debate ensued.

The motion lost and the amendment was not adopted.

Senator Lewis moved adoption of the following amendment:

On page 18, line 22, insert the following new section:

"NEW SECTION. Sec. 23. An additional fee of sixty dollars per academic year shall be added to the operating fee for all students enrolled in a program leading to a graduate degree, exclusive of students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery and doctor of veterinary medicine."

Debate ensued.

Senator Day moved adoption of the following amendment to the amendment by Senator Lewis:

In the amendment by Senator Lewis, strike the comma after "degree" and insert a period. Strike the remainder of the amendment.

#### POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Day yield to a question? Senator, Senator Lewis in his amendment and your amendment to that amendment is to strike that section that would exclude those people leading to degrees of doctor of medicine, dentistry and so forth. Are these students more apt to receive government aid, federal programs, scholarships and this type of thing than other types of graduate students?"

Senator Day: "Senator Odegaard, in answer to your question, absolutely. In fact, statistics now show that over ninety-five percent of the education of a medical student is paid for by other than his tuition. Now as to the dental students, I do not believe it is quite that high but it is about ninety percent. So you can see that these people are already highly subsidized and it is a very difficult thing for even the qualified students to get into these courses too, that is another thing. They are very selective in who they allow in. There are all types of subsidies, private grants, research grants. Fifty-one percent of the medical research grants come from federal money. I just think that by singling them out as an exemption here that, really it is an unfair thing. It really is."

Senator Day demanded a roll call and the demand was sustained by Senators Ridder, Mardesich, Metcalf, Foley, Guess, Stortini, Huntley, Canfield and Gissberg.

The Secretary commenced the roll call.

#### POINT OF ORDER

Senator Francis: "That is my point of order. I would like the President to explain what the vote is and we can do that in the middle of a roll call."

#### RULING BY THE PRESIDENT

The President: "The President does not believe that the rules provide that a roll call can be interrupted for the purpose."

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Day to the amendment was adopted by the following vote: Yeas, 23; nays, 19; absent or not voting, 5; excused, 2.

Voting yea: Senators Clarke, Cooney, Day, Fleming, Francis, Gardner, Gissberg, Greive, Holman, Jolly, Keefe, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—23.

Voting nay: Senators Atwood, Canfield, Connor, Elicker, Foley, Guess, Herr, Huntley, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Sandison, Scott, Talley, Whetzel—19.

Absent or not voting: Senators Bailey, Dore, Durkan, Henry, McCutcheon—5.

Excused: Senators Andersen, Donohue—2.

The motion by Senator Day carried and the amendment to the amendment was adopted.

The amendment by Senator Lewis, as amended, was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Substitute House Bill No. 740, 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 Woodall: "Would Senator Murray yield? Senator, you were talking about the amounts we spend on welfare. Did you vote with me or against me when I tried to cut the amount that we give to welfare?"

Senator Murray: "Senator Woodall, I think that there is an emergency situation where you do not let a person starve. We have certain social responsibilities that we need to take care of."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 740, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent or not voting, 3; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Elicker, Foley, Gardner, Guess, Holman, Jolly, Lewis, McCutcheon, McDougall, Matson, Murray, Peterson (Ted), Sandison, Scott, Stender, Talley, Twigg, Wilson, Woodall—25.

Voting nay: Senators Cooney, Fleming, Francis, Gissberg, Greive, Herr, Huntley, Keefe, Knoblauch, Mardesich, Metcalf, Newschwander, Odegard, Peterson (Lowell), Ridder, Stortini, Walgren, Washington, Whetzel—19.

Absent or not voting: Senators Dore, Durkan, Henry—3.

Excused: Senators Andersen, Donohue—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR SENATE JOURNAL REGARDING HOUSE BILL NO. 740

At the time of the vote on House Bill No. 740 I was in Conference Committee meetings. Had I been present, I would have voted "no" for the reason that I felt resident students and non-graduate students were being required to bear an unusually high burden in view of the economic conditions of the state.

/s/ SENATOR MARTIN J. DURKAN

#### MOTIONS

On motion of Senator Sandison, Engrossed Substitute House Bill No. 740, as amended by the Senate, was ordered immediately transmitted to the House.

At 6:05 p.m., on motion of Senator Greive, the Senate recessed until 8:30 p.m.

#### EVENING SESSION

The President called the Senate to order at 8:30 p.m.

## SECOND READING

ENGROSSED HOUSE BILL NO. 644, by Representatives Gallagher, Mentor and Beck:  
Extending liability for penalties for overloading to person controlling loading of the vehicle.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 644 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. 644, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Voting nay: Senator Durkan—1.

Absent or not voting: Senators McCutcheon, Mardesich—2.

ENGROSSED HOUSE BILL NO. 644, having received the constitutional 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 Durkan, Senator Mardesich was excused.

## SPECIAL ORDER OF BUSINESS

## THIRD READING

HOUSE BILL NO. 403, by Representatives Kopet, May and Pardini:

Authorizing the issuance of revenue warrants under the Municipal Airports Act of 1945.

The time having arrived, the Senate resumed consideration of House Bill No. 403 on third reading.

The bill was read the third time and placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 403, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—45.

Voting nay: Senator Durkan—1.

Absent or not voting: Senators McCutcheon, Woodall—2.

Excused: Senator Mardesich—1.

HOUSE BILL NO. 403, having received the 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 seventh order of business.

## SECOND READING

ENGROSSED HOUSE BILL NO. 813, by Representatives Perry, Barden and Bluechel:  
Requiring prequalification of electrical contractors doing business with electrical utilities.

## REPORT OF STANDING COMMITTEE

May 6, 1971.

ENGROSSED HOUSE BILL NO. 813, requiring prequalification of electrical contractors doing business with electrical utilities (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 3, line 30 of the printed bill, being page 3, section 3, line 32 of the engrossed bill, after "done," and before "and" insert "*or the material to be purchased*"

On page 3, section 3, line 31 of the printed bill, being page 3, section 3, line 33 of the engrossed bill, after "proposals for" strike "doing" and insert "[doing] *furnishing*"

On page 4, section 3, line 15 of the printed bill, being page 4, section 3, line 17 of the engrossed bill, after "be let" and before "in" insert "*for more than fifteen percent*"

On page 4, section 3, line 18 of the printed bill, being page 4, section 3, line 20 of the engrossed bill, after "bidders." insert "*The commission may procure materials in the open market, have its own personnel perform the work or negotiate a contract for such work to be performed by others, in lieu of readvertising, if it receives no bid.*"

On page 4 add a new section following section 3 to read as follows:

"Sec. 4. Section 2, chapter 124, Laws of 1955 and RCW 54.04.070 are each amended to read as follows:

[All] *Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of five thousand dollars, exclusive of sales tax shall be by contract: PROVIDED, That a district may make purchases of the same kind of items of materials, equipment and supplies not exceeding five thousand dollars in any calendar month without a contract, purchasing any excess thereof over five thousand dollars by contract. [and] Any work ordered by a district commission, the estimated cost of which is in excess of [five] ten thousand dollars exclusive of sales tax, shall be by contract, except that a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. Prudent utility management means performing work with regularly employed personnel utilizing material of a worth not exceeding thirty thousand dollars in value without a contract: PROVIDED, That such limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project. Before awarding such a contract, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least [thirty] twenty days before the letting of the contract, inviting sealed proposals for the work or materials; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection: PROVIDED, That any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.*

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond: PROVIDED, That where an emergency arises endangering the public safety, or threatening property damage, the commission may purchase materials or order work performed by others in addition to regularly employed personnel in any amount necessary without calling for bids after having taken precautions to secure the lowest price practicable under the circumstances."

In line 5 of the title, after "35.92 RCW;" and before "and" insert "amending section 2, chapter 124, Laws of 1955 and RCW 54.04.070;"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Fleming, Foley, Gardner, Keefe, Knoblauch, Peterson (Lowell), Stortini, Walgren, Whetzel.

The bill was read the second time by sections.

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

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 813,



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. 813, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Andersen, McCutcheon—2.

Excused: Senator Mardesich—1.

ENGROSSED HOUSE BILL NO. 813, 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 Greive, the Senate returned to the fifth order of business.

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 550, by Representatives Newhouse, Hausser, Morrison, Amen, Benitz, Berentson, Bledsoe, Bozarth, Costanti, Curtis, Moon and Van Dyk: Enacting the Washington State Agricultural Labor Relations Act.

#### MOTION

Senator McDougall moved that the rules be suspended and the Senate immediately advance Engrossed House Bill No. 550 to second reading.

Debate ensued.

#### POINT OF INQUIRY

Senator Donohue: "Mr. President, will Senator Matson yield? Senator, I am concerned particularly with just how wide a scope that this particular bill covers and just who will come under the act if passed. Could you respond to that?"

Senator Matson: "Senator Donohue, any farm employer would be covered under this act and any farm employee would be covered under this act."

Senator Donohue: "I think that is right, Senator. For the record, under section 2, page 2, subsection (2), where it explains the definition of employer it says it includes 'any person who regularly employs one or more employees in agricultural work and any person acting as an agent of an employer'.

"It is my understanding then from this particular explanation of employer that the farmer, and I have about twenty-two hundred of them in my district, that employs regularly during a season such as the haying season would come under this act, irregardless of how many people he employed, even if he employs only one. Now it would be my understanding that if a farmer hired his neighbor to come and help him or hired two neighbors, that they would also come under this act. I am sympathetic with the problem that you have in that area but I have many people in my district, in my farming area who employ one or two people who live and work in the community and they work for one farmer for two or three months and then maybe they will move on, depending upon the season and the elevation and where the work is, and these people are all going to come under this particular act. It is in my judgment, for my district, with the exception of perhaps food processing industry. . . ."

## POINT OF ORDER

Senator Metcalf: "I am sort of losing contact with the question."

Senator Donohue: "Mr. President, I asked Senator Matson a question and I was trying to elaborate and for the record, to get my viewpoint known. If I have erred, Senator, I apologize."

"I would just like to state that because of these reasons I have to oppose this bill and hope that we can reach a compromise, that we can come back next session and probably next January, and pass a good piece of legislation."

Senator Matson: "Senator Donohue, your question was whether or not a farmer with one employee, whether it was his neighbor or not, would come under the act. The answer is that he would. However, let me reiterate that there is nothing in the present law that would prohibit your neighbor from coming to work for you and then trying to organize you into a farm union. Under this bill, however, if that were so, he could only organize you if he fully intended to and voted in a secret ballot to do so. You see what I am saying is that under this bill it sets up the guidelines where employees of a farm employer can organize only with their own free will by voting a secret ballot to do so."

Further debate ensued.

Senator Huntley demanded a roll call and the demand was sustained by Senators Matson, Greive, Bailey, Murray, McDougall, Holman, Clarke, Stortini and Dore.

Senators Atwood, Canfield 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.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## POINT OF ORDER

Senator Greive: "This is a motion to suspend the rules and immediately consider the bill except that the one takes a two-thirds and the other does not. Mr. President, I am going to ask for a ruling on that point so that we will have it clearly understood before we vote. Does it or does it not take a two-thirds and is it or is it not a suspension of the rules?"

## RULING BY THE PRESIDENT

The President: "Gentlemen of the Senate, if there are no objections, the President is prepared to make a ruling on the point presented by Senator Greive. If there are no objections, the Senate will proceed subject to roll call."

## ROLL CALL

The Secretary called the roll and the motion by Senator McDougall to immediately advance Engrossed House Bill No. 550 to second reading failed by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel, Wilson, Woodall—22.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Herr, Keefe, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington—27.

The motion by Senator McDougall failed.

## RULING BY THE PRESIDENT

The President: "In ruling upon the point of order raised by Senator Greive, the President finds that the proviso contained in the first paragraph of Rule 61 permits the Senate, by a majority vote to suspend the rule which requires a bill to be read on three separate days. Although the President believes that the overall purpose of this proviso is to expedite the processing of bills during the closing day of the session, the proviso does not

appear to apply to the third paragraph of Rule 61 requiring the bill to be referred to the appropriate committee. Engrossed House Bill No. 550 is therefore referred to the Committee on Labor and Industrial Insurance.

"A further note of clarification, if the Senate wishes to act on this measure at this time the correct procedure would be to relieve the Committee on Labor and Industrial Insurance of the bill and then suspend the rule requiring three readings on separate days. This could be accomplished by two motions, both of which require a simple majority to carry."

Engrossed House Bill No. 550 was referred to the Committee on Labor and Industrial Insurance.

#### MOTION

Senator McDougall moved that the rules be suspended and the Committee on Labor and Industrial Insurance be relieved of further consideration of Engrossed House Bill No. 550.

Debate ensued.

Senator Elicker demanded a roll call and the demand was sustained by Senators Bailey, Metcalf, McDougall, Greive, Clarke, Whetzel, Canfield, Stender and Lewis.

Further debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Greive would yield to a question? Simply as a matter of information, what was that occasion, that once in twenty-five years?"

Senator Greive: "It was on a bribery attempt, presumably, and involved Speaker Hodde and a legislator from Senator Knoblauch's district and it was about twenty years ago."

Senator Mardesich: "Do not you recall there was an instance when they decided to take a bill away from Senator Mardesich?"

Senator Greive: "Senator, you should be very happy for the rule. I am sure that it affords you more protection than most."

Senator Mardesich: "Unfortunately, the only thing I can remember is the one they took away from me."

#### ROLL CALL

The Secretary called the roll and the motion by Senator McDougall to relieve the Committee on Labor and Industrial Insurance of further consideration of Engrossed House Bill No. 550 failed by the following vote: Yeas, 20; nays, 29.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel, Wilson, Woodall—20.

Voting nay: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Walgren, Washington—29.

#### MOTIONS

On motion of Senator Atwood, the Senate dispensed with the Call of the Senate.

At 9:55 p.m., on motion of Senator Greive, the Senate recessed until 10:25 p.m.

#### SECOND EVENING SESSION

The President called the Senate to order at 10:25 p.m.

#### INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 592, by Committee on Natural Resources and Ecology:

Creating uniform state-wide requirements for equipment, registration, and operation of boats.

Referred to Committee on Commerce and Regulatory Agencies.

HOUSE BILL NO. 672, by Representatives Wanamaker and Beck:

Providing for eye protection while riding motorcycles or motor-driven cycles.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 704, by Representatives Charnley, North, Douthwaite and Litchman:

Requiring notice to property owners of the nature and amount of special assessments due.

Referred to Committee on Ways and Means—Revenue and Taxation.

ENGROSSED HOUSE BILL NO. 892, by Representative Berentson:

Pertaining to transportation and the welfare of the state and its citizens.

Referred to Committee on Transportation.

ENGROSSED HOUSE BILL NO. 929, by Representatives Shera, Conway, Barden, Curtis, Pardini and Berentson:

Updating public assistance definitions to reflect creation of department of social and health services.

Referred to Committee on Public Institutions.

ENGROSSED HOUSE BILL NO. 996, by Representatives Wojahn, Hubbard, Morrison and Juelling:

Restricting eligibility of certain students for unemployment compensation benefits.

Referred to Committee on Labor and Industrial Insurance.

ENGROSSED HOUSE BILL NO. 1116, by Representatives Wojahn, Kirk, McCormick, Lynch, Maxie, Brouillet, Johnson, Kilbury, Brown, Amen, Wolf, Julin, Zimmerman, North, Costanti and Hoggins:

Changing the department of agriculture to the department of agriculture and consumer services and changing the division of dairy and food thereof to the division of consumer services.

Referred to Committee on Agriculture and Horticulture.

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

#### MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 354 with the following amendments:

Strike all material lines 2 and 3 of the title and insert the following:

“amending section 3, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.030; amending section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050; amending section 9, chapter 209, Laws of 1969 ex. sess. as amended by amending section 10, chapter 209, Laws of 1969 ex. sess. as amended by section 5, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.100; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.150; amending section 17, chapter 209, Laws of 1969 ex. sess. as amended by section 12, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.160; amending section 23, chapter 209, Laws of 1969 ex. sess. as amended by section 15, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.180; amending section 16, chapter 209, Laws of 1969 ex. sess. as amended by section 11, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.200; amending section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 5, Laws of 1967 and RCW 41.48.030; amending section 5, chapter 184, Laws of 1951 as amended by section 5, chapter 4, Laws of 1955 ex. sess. and RCW 41.48.050; adding new sections to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; creating a new section; and declaring an emergency.”

On page 1, section 1, line 10, after "systems" and before the period, insert ", and to improve their retirement and pension systems and related provisions"

On page 1, section 3, line 22, after "standards" and before the period insert the following:

"**PROVIDED**, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this 1971 act, then such person or persons may join any other pension system that the city has available for its other employees"

On page 2, section 5, line 15, after "in" and before "act" strike "this" and insert "sections 2 through 4 of this 1971 amendatory"

On page 2, beginning on line 28, add new sections as follows:

"Sec. 6. Section 3, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter and shall include any authorized association of such municipalities.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal: **PROVIDED**, That the term "city police officer" shall only include such regular, full time personnel of a city police department as have been appointed to offices, positions or ranks in the department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city.

(4) "Fire fighter" means any person who is serving on a full time, fully compensated basis as a member of a fire department by an employer and who has passed a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such; and shall include anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; this term shall also include supervisory fire fighter personnel; and shall also include any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW. *The term "fire fighter" also includes any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to be or to have passed a civil service examination for fireman or fire fighter. The term "fire fighter" also includes any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on the date this 1971 amendatory act takes effect is making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.*

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while [under the age of eighteen years and] unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited or approved by the state of Washington.

(8) "Member" means any fire fighter, [or] law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to

such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. *In addition to the foregoing, for members retiring after the effective date of this 1971 amendatory act who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. [No credit shall] However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period.*

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors.

Sec. 7. Section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050 are each amended to read as follows:

The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. [These additional board members shall serve on the retirement board only for the purposes of administering this chapter.] One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. [These board members shall serve two year terms.] The first board member elected by the law enforcement officer members shall serve for one year only, the first board member elected by the fire fighters shall serve a two year term, and thereafter both shall serve two years unless they cease to be members of the retirement system. In such case there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. *Two additional representatives of counties and cities shall be added to the retirement board. One of these representatives shall be appointed by the Washington state association of counties and the other shall be appointed by the association of Washington cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional board members shall serve on the retirement board only for the purpose of administering this chapter. These board members shall serve two year terms.* All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose.

Sec. 8. Section 9, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. *This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150 [or], and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: PROVIDED FURTHER, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death.*

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter: PROVIDED, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 9. Section 10, chapter 209, Laws of 1969 ex. sess. as amended by section 5, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.100 are each amended to read as follows:

A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed [years of] creditable service, as follows: Five years but under ten years, *one-twelfth* of one percent of his final average salary for each [year] month of service; ten years but under twenty years, *one-twelfth* of one and one-half percent of his final average salary for each [year] month of service; and twenty years and over *one-twelfth* of two percent of his final average salary for each [year] month of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his return to service and he shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his retirement allowance shall be recomputed, based upon additional service rendered and any change in final average salary, and shall be paid, *one-twelfth* of two percent of his final average salary for each additional completed month of service.

Sec. 10. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires [nursing, care, or attention] *medical services*, the employer shall pay for such active or retired member the necessary [hospital, care, and nursing expenses] *medical services* not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all [retirement] benefits payable under chapters 41.16 and 41.18 RCW: PROVIDED FURTHER, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: PROVIDED [FURTHER], That the disability board shall designate the [hospital and] medical services available to such sick or disabled member.

(2) The medical [benefits] *services* payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section.

Sec. 11. Section 17, chapter 209, Laws of 1969 ex. sess. as amended by section 12, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has *vested under the provisions of section 8 of this 1971 amendatory act with twenty or more years of service*, or who is retired, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if



active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), subject to a maximum combined allowance of sixty percent of final average salary.

(2) If at the time of the death of a vested member as provided above or a member retired for service of twenty or more years or a member retired for disability, the surviving spouse has not been lawfully married to [the] such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children [under eighteen years of age] as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

Sec. 12. Section 23, chapter 209, Laws of 1969 ex. sess. as amended by section 15, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.180 are each amended to read as follows:

The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable: PROVIDED, That on the written request of any person eligible to receive benefits under this section, the board may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The board may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

Sec. 13. Section 16, chapter 209, Laws of 1969 ex. sess. as amended by section 11, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.200 are each amended to read as follows:

(1) Any person feeling aggrieved by any order or determination of a disability board denying [an application for] disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

(2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220.

NEW SECTION. Sec. 14. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and fire fighters covered hereunder, shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries, caused by the governmental employer except as

otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter.

**NEW SECTION.** Sec. 15. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

If injury or death results to a member from the intentional or negligent act or omission of his governmental employer, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter.

**NEW SECTION.** Sec. 16. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

**NEW SECTION.** Sec. 17. There is added to chapter 41.16 RCW a new section to read as follows:

The increased benefits provided by this chapter are hereby declared applicable to all retired firemen who were retired prior to June 8, 1961, for disability whether incurred in the line of duty or otherwise, or their widows, effective July 1st of the first year when such benefits have heretofore or shall hereafter become payable and shall be payable commencing July 1, 1970. The manner of calculating the retroactive benefits payable to individual beneficiaries under chapter 37, Laws of 1970 ex. sess. and this 1971 amendatory act shall be to calculate the amount of benefit being received by such individual beneficiary on July 1, 1969; then to multiply that result times two percent times the number of full years that have elapsed following the retirement of the employee; then to add the result so reached to the said amount being received on July 1, 1969, prior to the statutory increase of that date, which total amount is to be paid each month for the next ensuing year until July 1, at which time an additional two percent shall be added and the process shall be repeated as provided in RCW 41.18.104.

**NEW SECTION.** Sec. 18. There is added to chapter 41.18 RCW a new section to read as follows:

The increased benefits provided by this chapter are hereby declared applicable to all retired firemen who were retired prior to June 8, 1961, for disability whether incurred in the line of duty or otherwise, or their widows, effective July 1st of the first year when such benefits have heretofore or shall hereafter become payable and shall be payable commencing July 1, 1970. The manner of calculating the retroactive benefits payable to individual beneficiaries under chapter 37, Laws of 1970 ex. sess. and this 1971 amendatory act shall be to calculate the amount of benefit being received by such individual beneficiary on July 1, 1969; then to multiply that result times two percent times the number of full years that have elapsed following the retirement of the employee; then to add the result so reached to the said amount being received on July 1, 1969, prior to the statutory increase of that date, which total amount is to be paid each month for the next ensuing year until July 1, at which time an additional two percent shall be added and the process shall be repeated as provided in RCW 41.18.104.

Sec. 19. Section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 5, Laws of 1967 and RCW 41.48.030 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that—

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day

of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c) (3) (C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) *Law enforcement officers and firemen of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.*

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d) (3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the [University of Washington, the state college of Washington and the several colleges of education] *institutions of higher learning*, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning [named herein] and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the state-wide city employees retirement system organized under chapter 41.44 may at its option agree to a plan submitted by the board of trustees of said state-wide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED Further, That the Teachers' Retirement System be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d) (3) (C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d) (3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

*(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1) (i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.*

Sec. 20. Section 5, chapter 184, Laws of 1951 as amended by section 5, chapter 4, Laws of 1955 ex. sess. and RCW 41.48.050 are each amended to read as follows:

(1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless—

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

*(h) It provides that law enforcement officers and fire fighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the plan or agreement entered into under this section and for purposes of section 216 of the social security act. To the extent that the plan or agreement entered into between the state and any political subdivision of this state is inconsistent with this subsection, the governor shall seek to modify the inconsistency.*

*(i) It provides that the plan or agreement may be terminated by any political subdivision as to any such coverage group upon giving at least two years advance notice in writing to the governor, effective at the end of the calendar quarter specified in the notice. It shall specify that before notice of such termination is given, a referendum shall be held among the members of the coverage group under the following conditions:*

*(1) The referendum shall be conducted under the supervision of the legislative body of the political subdivision.*

(ii) Not less than sixty days' notice of such referendum shall be given to members of the coverage group.

(iii) An opportunity to vote by secret ballot in such referendum shall be given and shall be limited to all members of the coverage group.

(iv) The proposal for termination shall be approved only if a majority of the coverage group vote in favor of termination.

(v) If a majority of the coverage group vote in favor of termination, the legislative body of the political subdivision shall certify the results of the referendum to the governor and give notice of termination of such coverage group.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3) may, with interest at the rate of six percent per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the governor, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

*NEW SECTION.* Sec. 21. This 1971 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.

*NEW SECTION.* Sec. 22. If any provision of this 1971 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." and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Bailey, the Senate concurred in the House amendments to Substitute Senate Bill No. 354.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 354, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

SUBSTITUTE SENATE BILL NO. 354, 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 7, 1971.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 522, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SENATE BILL NO. 522, providing for transfer of certain funds to the Washington public employees' retirement system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Fleming, Woodall and Gissberg; Representatives Shera, Pardini and Moon.

## MOTION

On motion of Senator Gissberg, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 4, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 124 with the following amendments:

Strike all of the title and insert the following:

"An Act relating to the disposition of vehicle license fees; disposition of motor vehicle driver's license fees; abolishing the state patrol highway account and providing for disposition of funds therein and moneys payable thereto; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520; amending section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.085; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; amending section 4, chapter 25, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1969 and RCW 46.68.041; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1963 and RCW 46.68.130; repealing section 46.68.140, chapter 12, Laws of 1961 and RCW 46.68.140; declaring an emergency; and providing effective dates."

Strike all the matter after the enacting clause and insert the following:

"Section 1. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund [, and out of each vehicle basic license fee as provided for in RCW 46.16.060, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control].

Sec. 2. Section 4, chapter 25, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1969 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 [state patrol highway account] *general fund*: *PROVIDED, That the legislative budget committee and the joint committee on highways 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.*

Sec. 3. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the

director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the [state patrol highway account] *motor vehicle fund*. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 4. Section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment, which commission may charge a reasonable fee therefor to go into [the state patrol highway account] *the motor vehicle fund*.

Sec. 5. Section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.085 are each amended to read as follows:

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies shall be deposited in [the state patrol highway account of] *the motor vehicle fund*.

Sec. 6. Section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1963 and RCW 46.68.130 are each amended to read as follows:

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are [credited to the state patrol highway account and such sums expended pursuant to proper appropriation] *properly appropriated and reappropriated for expenditure* for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and reappropriation, for state highways and other proper department of highways purposes.

*NEW SECTION.* Sec. 7. Section 46.68.140, chapter 12, Laws of 1961 and RCW 46.68.140 are hereby repealed and all funds remaining in the state patrol highway account on August 1, 1971 are transferred to the motor vehicle fund: PROVIDED, That this section shall take effect on August 1, 1971.

*NEW SECTION.* Sec. 8. This 1971 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, 1971.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Durkan, the Senate concurred in the House amendments to Engrossed Senate Bill No. 124.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 124, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Whetzel, Wilson-42.

Voting nay: Senators Guess, Huntley, Metcalf, Twigg, Washington-5.

Absent or not voting: Senators Matson, Woodall-2.

ENGROSSED SENATE BILL NO. 124, 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 6, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 411 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 411, 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. 411 and the Senate amendments thereto: Senators Day, Woodall and Cooney.

## MOTION

On motion of Senator Guess, the Conference Committee appointments were confirmed.

## REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, enacting the operating budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Durkan, Atwood and Dore; Representatives Goldsworthy, Kopet and Brouillet.

## MOTION

On motion of Senator Durkan, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 853, repealing prohibition on sale of contraceptives, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Day, Francis and Elicker; Representatives Kopet, North and Martinis.

## MOTION

On motion of Senator Francis, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 86, reorganizing powers, duties and functions within intermediate school



districts, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Francis, Odegaard and Newschwander; Representatives Zimmerman, Brown and Haussler.

#### MOTION

On motion of Senator Francis, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 540, regulating pesticides and establishing a control board, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Jolly, Matson and Francis; Representatives Hansey, Kilbury and Schumaker.

#### MOTION

On motion of Senator Jolly, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

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

#### SENATE RESOLUTION: 1971-EX-76

By Senators Ridder and Sandison:

WHEREAS, At 6:10 A.M., Wednesday morning, a stroke ended the earthly life of Mrs. Clara Gill; and

WHEREAS, Mrs. Clara Gill in her sixty eight years epitomized the Christian ethic; and WHEREAS, In the past four sessions in her service as Senate Hostess she has brought human warmth and understanding to her associations with fellow staff and the many visitors she has guided through our Capitol;

WHEREAS, In her activities as a wife, mother, foster mother and in her interest and work in women's affairs, teaching, missionary work, her church politics, inter-racial involvement, she has brought multitudes together in racial harmony and friendship; and

WHEREAS, In her death she has left a void in many hearts that will never be filled;

NOW, THEREFORE, BE IT RESOLVED, We take this opportunity to share in the sorrow of her family and many friends and request that this resolved expression of our grief be forwarded to her immediate family.—Well Done, oh Good And Faithful Servant.

#### SECOND READING

SENATE BILL NO. 928, by Senator Greive:

Relating to redistricting.

The bill was read the second time by sections.

Senator Greive moved adoption of the following amendment:

Strike everything after the enacting clause and insert:

"NEW SECTION. Section 1. For election of members of the legislature, the territory of the state shall be divided into forty-nine legislative districts as described in sections 2 through 50 of this act.

(1) The plan represented by this act is based on the 1970 United States Census with the data being adjusted according to the formula established by the attorney general of Washington in order to reflect the presence of transient military personnel. The legislature attempted to achieve precise mathematical equality in the populations of the various legislative districts. Any variation in the populations of the districts is inadvertent and resulted from the policy of following to the extent possible existing political subdivision boundaries, from the policy of choosing other easily identifiable boundaries, or from the necessity of subdividing the smallest census data division and interpolating the percentage of the population total in each portion.

It is legislative policy that census lines should rank no more than equally with other

lines available for use in defining districts. The legislature finds that census unit lines are often hard to read on census maps; that the lines used in the 1970 census are often holdovers from earlier censuses and do not reflect urban and suburban growth, new roads, new communities, newly established ethnic groups, or additions to existing political subdivisions; that census unit sizes vary so greatly that it is impossible to use consistent sizes; that in some cases the smallest census units were unreadable or unit lines were missing, which would have forced the use of the larger census units as boundaries; and that voters and election officials find it difficult to determine their district boundaries if only census units are used in descriptions. In summary the legislature rejects the notion that state redistricting plans must be forced into the pattern established by the federal census lines since the federal census lines were arbitrarily created for the convenience of the federal government in enumerating persons and are not necessarily related to or effective for the process of state legislative redistricting.

(2) In order to provide the best possible representation for all persons the legislature established the policy of dividing a legislative district into two representative districts if significant factors of dissimilarity were found to exist within a district and where a division of the district would serve to provide more effective representation for the different communities of interest. The factors examined by the legislature included the following:

- (a) The combination of urban, suburban, or rural components within a district;
- (b) Presence of ethnic, racial, religious, nationality, or other cultural subgroupings;
- (c) Presence of academic communities around colleges and universities;
- (d) Historical political subdivisions;
- (e) Significant transient populations;
- (f) Geographic factors such as isolation due to distance, mountains, or water barriers;
- (g) Special housing areas;
- (h) Variations in industrial, commercial and agricultural land use or zoning;
- (i) Patterns of home ownership and property taxation;
- (j) Communications and transportation patterns with particular reference to centers of distribution of information, goods, and services;
- (k) Age, income, occupation, family size, number of children in schools, and other demographic factors.

(3) A single three member district is maintained to accommodate the Washington legislative tradition of an uneven number in each house to guarantee that one party will have a majority. This has proven to be in the best interest of the people of the state of Washington.

A formula was devised which provides for proportional representation with the representation value of one of forty-nine senators being correlated with the representation value of one of ninety-nine representatives. Thus in the three house member district a slight under-representation in the senate is balanced by a slight over-representation in the house but in terms of representation units the two member districts and the three member district are equal under the one man, one vote concept.

(4) For the purposes of this act the following guides to interpretation shall apply:

(a) Road and street descriptions follow the centerline of the named or numbered streets and roads, and a straight line extension thereof where such named or numbered streets or roads have not been cut through, except where the context expressly indicates otherwise. Road and street descriptions are based to the extent possible on 1970 census maps.

(b) Water boundaries follow the main thread of a river or stream and the centerline of other bodies of water unless the context indicates otherwise.

(c) Municipal and district boundaries are those boundaries of the political subdivisions of the state as they appear on the 1970 census maps.

(d) Census tract and enumeration district boundaries are as they appear on the 1970 census maps.

(e) Boundary descriptions making reference to the boundaries of other legislative districts shall refer to the districts established by this act.

**NEW SECTION.** Sec. 2. The first legislative district shall consist of the area in King and Snohomish counties encompassed by the following boundaries:

(a) In King county beginning in the city of Seattle at the intersection of Aurora Ave. N. and N. 157th St.; proceed generally north and west along the boundary of the forty-fourth legislative district; east along the King-Snohomish county line; south along 244th Ave. NE; west along NE 8th St.; generally northwest along Inglewood Mill Rd. to Lake Sammamish; generally northwest along Lake Sammamish and the Sammamish River; west along NE 57th St.; generally north along State Highway 901; east along NE 87th St.; north along the Burlington Northern Railroad; west along NE 145th St.; north along 84th Ave. NE; generally northwest along Simonds Rd.; generally west along NE 170th St. to the centerline of Lake Washington; south along Lake Washington; generally west along the boundary of the forty-sixth, forty-fifth and forty-fourth legislative districts to the point of origin.

(b) In Snohomish county, beginning at the intersection of 48th Ave. W. and the Snohomish-King county line; proceed north, west, then south along the boundary of the twenty-first legislative district; east along the Snohomish-King county line through the point of origin; north and east along the boundary of the twenty-first legislative district; south along the boundary of the thirty-ninth legislative district; west along the Snohomish-King county line to the point of origin.

**NEW SECTION.** Sec. 3. The second legislative district shall consist of Okanogan and Pend Oreille counties and the areas in Chelan, Douglas, Ferry, and Stevens counties encompassed by the following boundaries:

(a) All of Stevens and Ferry counties except for the portions south of a line beginning in Stevens county at the eastern quarter corner of section 36, township 29 north, range 31 east and proceeding east to the Stevens-Spokane county line, and from the same point proceeding west to the Ferry-Okanogan county line;

(b) In Douglas county beginning at the southeast corner of section 28, township 29 north, range 28 east; proceed south along the section lines to the Douglas-Grant county line; generally south and west along the Douglas county line to the western boundary of section 24, township 22 north, range 20 east; north along the section lines to the Douglas-Chelan county line; generally north, east, then south along the Douglas county line to the north boundary of section 36, township 29 north, range 30 east; west along the section lines to the point of origin.

(c) In Chelan county the area east of a line beginning at the intersection of the Chelan-Okanogan county line and the western boundary of section 22, township 30 north, range 21 east; and proceeding south along the section lines to the center line of Lake Chelan; generally south through Lake Chelan to the western boundary of section 34, township 28 north, range 21 east; south along the section lines to the Chelan-Douglas county line.

**NEW SECTION.** Sec. 4. The third legislative district shall consist of the area in Spokane county encompassed by the following boundaries: Beginning in the city of Spokane at the corner of 2nd Ave. and Monroe St.; proceed west along 2nd Ave.; north along Oak St.; west along Riverside Ave.; north along Chestnut St. and its extension; west along Mission Ave. and its extension to the logical extension of Assembly Rd.; south along the logical extension of Assembly Rd. and along Assembly Rd.; west along Hallett Rd.; south, west, then north along the boundaries of the Geiger Heights Military Housing Area; west along Hallett Rd.; south along the line between range 41 east and range 42 east to the southeast corner of section 13, township 23 north, range 41 east; west along the section lines to the southwest corner of section 15, township 23 north; range 40 east; north along the section lines to the line dividing township 23 north and township 24 north; west along the section lines to the southwest corner of section 36, township 24 north, range 40 east; north along the section lines and along their extension north of the 6th Standard Parallel North to the extension of Wellesley Ave.; east along such extension and along Wellesley Ave.; south along "I" St.; generally east along Garland Ave.; north along Crestline St.; east along Francis Ave. and its extension; generally south and southwest along the boundary of the fourth legislative district to the point of origin.

**NEW SECTION.** Sec. 5. The fourth legislative district shall consist of the area in Spokane county encompassed by the following boundaries: Beginning at the intersection of the Washington-Idaho line and the Spokane-Pend Oreille county line; proceed west along the county line to the northwest corner of section 3, township 29 north, range 44 east; south along the section lines to the southwest corner of section 15, township 26 north, range 44 east; west along the section lines to the northwest corner of section 24, township 26 north, range 43 east; south along the section lines to the southwest corner of section 25, township 26 north, range 43 east; east along the section line to the line dividing range 43 east and range 44 east; south along the range line; generally south and west along the Spokane city limits; generally south and west along the Spokane River; south along Monroe St.; east along 3rd Ave.; south along Division St.; generally south and east along Rockwood Blvd.; east along 14th Ave.; south along Ray St.; east along 44th Ave., and its extension; north along Warsinger Drive to the logical westward extension of 32nd Ave.; east along such extension; north along the extension of Argonne Rd. to the logical westward extension of 16th Ave.; east along such extension and along 16th Ave.; north along Evergreen Rd.; east along Sprague Ave.; south along Sullivan Rd.; east along the Chicago, Milwaukee, St. Paul and Pacific Railroad; north along Steen Rd.; east along Sprague Ave.; north along Flora Rd.; east along Alki Ave.; south along Michigan St.; generally northeast along Apple Way and along US 10; north along Harvard Rd.; generally east and north along the Spokane River; north along the Washington-Idaho line to the point of origin.

**NEW SECTION.** Sec. 6. The fifth legislative district shall consist of the portions of Stevens and Ferry counties south of the second legislative district and the area in Spokane, Lincoln, Grant, and Douglas counties encompassed by the following boundaries:

(a) In Spokane county, beginning in the city of Spokane at the intersection of Wellesley Ave. and "I" St.; proceed west along Wellesley Ave.; generally north, east, north, then west along the boundary of the seventh legislative district; north along the Spokane-Lincoln county line; generally east, north, then east along the Spokane-Stevens county line and the Spokane-Pend Oreille county line; generally south and west along the boundaries of the fourth and third legislative districts to the point of origin.

(b) In Lincoln county, the portion of the county north of a line beginning at the intersection of the Lincoln-Spokane county line and the line dividing sections 13 and 24, township 26 north, range 39 east; and proceeding west along the section lines to the southwest corner of section 13, township 26 north; range 33 east; north along the section lines to the northwest corner of section 25, township 27 north, range 33 east; west along the section lines to the Lincoln-Grant county line.

(c) In Douglas county, beginning at the southeast corner of section 28, township 29 north, range 28 east; proceed south along the boundary of the second legislative district;

generally east and north along the Douglas-Lincoln county line, and the Douglas-Okanogan county line; west along the boundary of the second legislative district to the point of origin.

(d) In Grant county, the portion of the county north of the line dividing townships 22 and 23 north.

**NEW SECTION.** Sec. 7. The sixth legislative district shall consist of the area in Spokane and Whitman counties encompassed by the following boundaries:

(a) In Spokane county, beginning in the city of Spokane at the intersection of 23rd Ave. and Howard St.; proceed generally west along 23rd Ave. and its extension; north along the Burlington Northern Railroad; east along the logical westward extension of 16th Ave. and along 16th Ave.; generally south along Maple St.; generally east along 17th Ave.; generally north along Upper Terrace Rd.; generally east along the southern boundary of the fourth legislative district; south along the Washington-Idaho line; west along the Spokane-Whitman county line; north along the line dividing range 43 east and range 44 east; generally northwest along Elder Rd.; generally north along Valley Chapel Rd.; generally northwest along the Palouse Highway; generally west and north along the boundary of enumeration district 336; generally northeast along Hatch Rd.; generally north along Perry St.; west along 42nd Ave.; north along Arthur St.; generally west along 34th Ave. and W. 34th Ave. and its logical extension; north along an extension of Howard St. and along Howard St. to the point of origin.

(b) In Whitman county beginning at the intersection of the Whitman-Spokane county line and the line dividing sections 5 and 6, township 20 north, range 43 east; proceed south along the section lines to the southwest corner of section 8, township 19 north, range 43 east; east along the section lines to the line dividing range 43 east and range 44 east; south along the range line to the southwest corner of section 19, township 17 north, range 44 east; west along the section lines to the extension north of the 4th Standard Parallel North of the line dividing sections 3 and 4, township 16 north, range 43 east; south along such extension and along the section lines to the southwest corner of section 34, township 16 north, range 43 east; east along the section lines to the northwest corner of section 1, township 15 north, range 44 east; south along the section lines to the southwest corner of section 22, township 14 north, range 44 east; east along the section lines to the Washington-Idaho line; north along the Washington-Idaho line; west along the Whitman-Spokane county line to the point of origin.

**NEW SECTION.** Sec. 8. The seventh legislative district shall consist of Lincoln county, except for the portion included in the fifth legislative district; Whitman county, except for the portion included in the sixth legislative district; Adams county, except for the portion included in the fifteenth legislative district; and the area in Spokane and Grant counties encompassed by the following boundaries:

(a) In Spokane county beginning in the city of Spokane at the intersection of Wellesley Ave. and "I" St.; proceed west along Wellesley Ave.; generally north and west along the Spokane city limits to the west quarter corner of section 27, township 26 north, range 42 east; east paralleling the section lines to the line dividing sections 27 and 26, township 26 north, range 42 east; south along the section line; generally east along Woodside Ave. and Dell Drive; generally north along Five Mile Rd.; east along an extension of Weile St.; south along an extension of Ash St.; east along Francis Ave.; north along Division St.; east along E. Hawthorne Rd. to the line dividing sections 16 and 17, township 26 north, range 43 east; north along the section lines to the northwest corner of section 27, township 27 north, range 43 east; west along the section lines to the Spokane-Stevens county line; generally south and west along the county line to the line between sections 35 and 36, township 27 north, range 41 east; south along the section lines to the line dividing ranges 26 and 27 north; west along the range line; south along the Spokane-Lincoln county line; east along the Spokane-Whitman county line; generally north along the boundary of the sixth legislative district; generally northwest along the boundary of the fourth legislative district; generally south, west, north, then east along the boundary of the third legislative district to the point of origin.

(b) In Grant county, beginning at the intersection of the Grant-Lincoln county line with the line dividing townships 22 and 23 north; proceed south along the county line; west along the line dividing townships 18 and 19 north; north along the line dividing ranges 29 and 30 east to the northwest corner of section 19, township 21 north, range 30 east; west along the section lines to the line dividing ranges 27 and 28 east; north along the range lines to the line dividing townships 22 and 23 north; east along the township line to the point of origin.

**NEW SECTION.** Sec. 9. The eighth legislative district shall consist of the area in Benton, Klickitat, Yakima, Skamania, Clark, and Cowlitz counties encompassed by the following boundaries:

(a) In Benton county beginning on the border of the eleventh legislative district at the intersection of State Route 14 with W. 27th Ave. south of Kennewick; proceed west along W. 27th Ave.; north along Union St.; generally northwest along the K.I.D. canal; north along Edison St.; generally southwest, west, and north along the Kennewick city limits; generally northwest along the Richland city limits; north along a southerly extension of Wellins Way; generally northwest along the Atomic Energy Commission Railroad; generally east along Humphreys St.; north along Wright Ave.; east along Ogden St.; north along Willard Ave.; southeast along Smith Ave.; northeast along Partridge St.; south along Sanford Ave.; east along Swift Blvd.; south along Stevens Blvd.; east along Mansfield St.; north along Jadwin Ave.; east along Newton St.; north along the Columbia River; west then south along the

northern and western portions of the Richland city limits to Van Giesen St.; west along Van Giesen St.; generally south along Bombing Range Rd.; west along Highway 410; north along a southerly extension of 9th St. in Benton City; generally northwest along the Yakima River to the eastern boundary of section 9, township 9 north, range 26 east; north along the section lines to the northeast corner of section 16, township 10 north, range 26 east; west along the section lines to the northwest corner of section 16, township 10 north, range 25 east; south along the section lines to the southwest corner of section 16, township 9 north, range 25 east; west along the section line to the northwest corner of section 20, township 9 north, range 25 east; south along the section line to the southwest corner of the same section; west along the section line to the north quarter corner of section 30, township 9 north, range 25 east; south to the south quarter corner of the same section; west along the section lines to the northwest corner of section 35, township 9 north, range 24 east; south along the section lines; southeast along Highway 410; generally west along the Yakima River; south along the Benton county line; generally east and north along the Washington state line; generally west and north along the boundary of the eleventh legislative district to the point of origin.

(b) In Klickitat county, the portion of the county north of the seventeenth legislative district.

(c) In Yakima county, beginning at the intersection of Yakima, Lewis, and Pierce counties; proceed east along the logical eastward extension of the line dividing Lewis and Pierce counties; generally south and east along the boundaries of legislative district 14, legislative district 15, and legislative district 16; generally south, west, then north along the Yakima county line to the point of origin.

(d) In Skamania county, the portion of the county north of the seventeenth legislative district.

(e) In Clark county, the portion of the county not included in the seventeenth legislative district or the forty-ninth legislative district.

(f) In Cowlitz county, the portion of the county not included in legislative districts 17 or 18.

**NEW SECTION.** Sec. 10. The ninth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of Military Rd. S. and S. 188th St.; proceed east along S. 188th St.; south along Interstate 5; east along S. 216th St.; generally south and then east along Russell Rd. S.; east along S. 228th St.; south along 100th Ave. S.; west along S. 241st St.; south along 94th Ave. S.; generally southeast along the Kent-Kangley Rd.; east along SE 264th St.; south along 112th Ave. SE; west along SE 281st St.; generally south along the Green River; west along 22nd St. NE in Auburn; north along "I" St. NE; west along 24th St. NE; north along Auburn Ave.; west along 30th St. NE and along 30th St. NW; south along "B" St. NW; west along 29th St. NW; north along the State Highway 181; generally south and west along the southern boundary of census tract 298; generally north along 38th Place S. and 39th Ave. S.; east along S. 288th St.; generally north along 42nd Ave. S.; west along S. 272nd St.; north along 16th Ave. S.; west along the southern boundary of Saltwater State Park and its extension; generally northwest along Puget Sound, excluding Vashon Island; generally east and south along the boundary of the thirty-first legislative district to the point of origin.

**NEW SECTION.** Sec. 11. The tenth legislative district shall consist of Island county, except for the portion in the fortieth legislative district, and the area in Kitsap and Snohomish counties encompassed by the following boundaries:

(a) In Kitsap county, all of the county north of a line beginning at the intersection of the Kitsap-Jefferson county line and the southwest boundary of census enumeration district 14; proceed generally south and east along the southwest boundary of census enumeration district 14, south along the west boundaries of census enumeration district 15, enumeration district 16, and enumeration district 22 to the centerline of Dyes Inlet; generally south and east along the centerlines of Dyes Inlet and Port Washington Narrows; east along E. 16th St.; north along Winfield St.; east along E. 17th St.; south along Trenton St.; east along E. 16th St.; generally east across Port Orchard Bay and through Rich Passage to the Kitsap-King county line.

(b) In Snohomish county, beginning in the city of Everett at the intersection of 35th St. and Federal St.; proceed west along 35th St.; generally north along Snohomish Ave. and Laurel Drive; north on Bell Ave.; west along Warren St. and an extension thereof to the Snohomish county line; south along the Snohomish county line; generally east and north along the southern and eastern boundaries of census enumeration district 549; generally east along Sound Ave. and along 56th St. SW; north along 33rd Ave. W.; east along 52nd Place SW; generally south along Glenwood Ave.; north along Beverly Rd. and Dogwood Drive; generally east along Mukilteo Blvd.; north along Federal St. to the point of origin.

**NEW SECTION.** Sec. 12. The eleventh legislative district shall consist of Asotin, Garfield, Columbia, and Walla Walla counties and the area in Benton county encompassed by the following boundaries: Beginning in the city of Kennewick at the intersection of S. Date St. and E. 3rd Ave.; south along S. Gum St.; generally south and west along the Kennewick city limits; south along S. Garfield St.; southwest along W. 36th Ave.; generally northwest along Highland Drive and its extension to the intersection of S. Vancouver St. and W. 27th Ave.; west along W. 27th Ave.; southwest and then south along Route 14; generally east and south along the boundary of census enumeration district 48; east along Belt Rd. and its logical extension to the Benton-Walla Walla county line; generally north and west along the Benton county line to the Burlington Northern Railroad bridge entering

Kennewick near Locust St.; generally south and west along the railroad; south on S. Date St. to the point of origin.

**NEW SECTION.** Sec. 13. The twelfth legislative district shall consist of Chelan county, except for the portion included in the second legislative district; the portion of Douglas county west of the second legislative district; the portion of Kittitas county north of the thirteenth legislative district; and the area in King County encompassed by the following boundaries: Beginning at the intersection of King, Snohomish, and Chelan counties; proceed west along the county line to the northwest corner of section 2, township 26 north, range 6 east; south along the section lines to SE 184th St.; west along SE 184th St.; generally south along the boundary of the forty-seventh legislative district; generally east, north, then east along the boundary of the thirteenth legislative district, generally northeast and north along the King county line to the point of origin.

**NEW SECTION.** Sec. 14. The thirteenth legislative district shall consist of the area in Kittitas, Grant, Yakima, Pierce, and King counties encompassed by the following boundaries:

(a) In Kittitas county beginning at the intersection of the Kittitas-Chelan county line with the line dividing township 23 north and township 24 north; proceed west along the township line; generally south then east along the Kittitas county line; generally east, north, then east along the boundary of the fourteenth legislative district; generally north then northwest along the Kittitas county line to the point of origin.

(b) In Yakima county beginning at the intersection of Yakima, Lewis, and Pierce counties; proceed generally north then southeast along the Yakima county line; south along the boundary of the fourteenth legislative district; west along the boundary of the eighth legislative district, to the point of origin.

(c) In Grant county beginning at the intersection of Grant, Douglas, and Kittitas counties; proceed generally north and east along the Grant county line; east along the line dividing township 22 north and township 23 north; south along the line dividing range 27 east and range 28 east to the southeast corner of section 13, township 21 north, range 27 east; east along the section lines; south along the line dividing range 29 east and range 30 east; generally west and southwest along the boundary of the fifteenth legislative district; north along the Grant county line to the point of origin.

(d) In Pierce county beginning at the intersection of the North Fork of the Puyallup River and the western boundary of Mt. Rainier National Park; proceed generally north along the boundaries of the twenty-fifth legislative district; generally east along the Pierce-King county line; south along the Pierce-Yakima county line; west along the Pierce-Lewis county line and along the boundary of the twenty-fifth legislative district to the point of origin.

(e) In King county, beginning at the intersection of King, Pierce, and Kittitas counties; proceed generally west along the King-Pierce county line; north along the boundary of the forty-seventh legislative district to the northwest corner of section 18, township 20 north, range 6 east; east along the section lines to the line dividing ranges 7 and 8 east; north along the range line to the northwest corner of section 18, township 24 north, range 8 east; east along the section line to the line dividing ranges 8 and 9 east; south along the range line; generally east along the line dividing townships 23 and 24 north; south along the King-Kittitas county line to the point of origin.

**NEW SECTION.** Sec. 15. The fourteenth legislative district shall consist of the area in Yakima and Kittitas counties encompassed by the following boundaries:

(a) In Kittitas county beginning at the intersection of the Kittitas-Grant county line and the northern boundary of township 17 north; proceed west along the northern boundary of township 17 north; generally west and north along the Ellensburg city limits; south along Walnut St.; west along 9th Ave.; south along Main St.; generally southeast along Highway 97 to the line dividing sections 13 and 24, township 17 north, range 18 east; east along the section line to the line dividing range 18 east and range 19 east; south along the range line; west along the 4th Standard Parallel North; generally south, east, then north along the Kittitas county line to the point of origin.

(b) In Yakima county, beginning at the intersection of Wide Hollow Creek and S. 80th Ave.; proceed north along S. 80th Ave.; west along Tieton Drive; north along Crookston Rd.; west along Summitview Ave.; north along the line dividing ranges 17 and 18 east; generally north and west along the Naches River and the Tieton River to the line dividing townships 14 and 15 north; west along the township lines to the line between range 14 east and range 15 east; north along the range lines to the Yakima-Kittitas county line; generally east and south along the Yakima county line; generally south and west along the boundary of the fifteenth legislative district to the point of origin.

**NEW SECTION.** Sec. 16. The fifteenth legislative district shall consist of the area in Yakima, Grant, and Adams counties encompassed by the following boundaries:

(a) In Yakima county, beginning at the intersection of Yakima, Kittitas, and Grant counties; proceed generally southeast along the Yakima county line; generally south, west, then south and east along the boundary of legislative district 16 to the southwest corner of section 6, township 10 north, range 22 east; south along the section lines to the southeast corner of section 25, township 10 north, range 21 east; west along the section lines to the southwest corner of section 30, township 10 north, range 20 east; south along the section lines to the southeast corner of section 1, township 9 north, range 20 east; west along the section lines to the southwest corner of section 5, township 9 north, range 18 east; north along the section lines to Ahtanum Creek; generally west along Ahtanum Creek to the line dividing ranges 16 and 17 east; north along the range line and its extension north of the 3rd Standard Parallel North to the north boundary of section 31, township 13 north, range 17

east; east along the section lines to Wide Hollow Creek; generally east along Wide Hollow Creek; generally northeast along the Union Pacific Railroad; east along Nob Hill Blvd.; north along S. 44th Ave.; east along Tieton Drive; north along S. 40th Ave.; east along W. Chestnut Ave.; south along S. 32nd Ave.; east along W. Walnut Ave.; south along S. 26th Ave.; east along Tieton Drive; south on S. 10th Ave.; east along E. Nob Hill Blvd. and its logical extension; north along the logical extension of 33rd St. and along 33rd St. to the Roza Canal; east to the western boundary of section 15, township 13 north, range 19 east; north along the section lines to the Yakima-Kittitas county line; east along the Yakima county line to the point of origin.

(b) In Grant county, beginning at the intersection of Grant, Yakima, and Kittitas counties; proceed generally south along the Grant-Yakima county line; east and north along the Grant-Benton county line; north, east, then north along the Grant-Adams county line to Interstate 90; west along Interstate 90; generally south and west along the Moses Lake city limits; generally west and south along Interstate 90; west along the northern boundary of township 17 north; south along the county line to the point of origin.

(c) In Adams county, beginning at the northeast corner of section 3, township 16 north, range 29 east; proceed south along the section lines to the Othello city limits; generally east, south, then west along the Othello city limits to the same section lines; south along the section lines to the Adams-Franklin county line; west along the county line to the Adams-Grant county line; north and east along the Adams county line to the point of origin.

**NEW SECTION.** Sec. 17. The sixteenth legislative district shall consist of Franklin county, the two discrete portions of Benton county not otherwise included in legislative districts eleven and sixteen, and the area in Yakima county encompassed by the following boundaries: Beginning at the southwest corner of section 21, township 10 north, range 23 east; proceed north along the section lines to the northwest corner of section 9, township 10 north, range 23 east; west along the section lines to the line dividing range 21 east and range 22 east; north along the range line to the northwest corner of section 19, township 11 north, range 22 east; west along the section lines to the southwest corner of section 13, township 11 north, range 20 east; north along the section lines to the northwest corner of section 36, township 12 north, range 20 east; west along the section lines to the southwest corner of section 26, township 12 north, range 19 east; north along the section lines to Mieras Rd.; east along Mieras Rd. and its logical extension; south along the Yakima-Benton county line to the southeast corner of section 24, township 10 north, range 23 east; west along the section lines to the point of origin.

**NEW SECTION.** Sec. 18. The seventeenth legislative district shall consist of the area in Clark, Skamania, Cowlitz and Klickitat counties encompassed by the following boundaries:

(a) In Clark county beginning at the intersection of the Clark-Skamania county line with the Washington-Oregon line; proceed north along the county line; west along the East Fork of the Lewis River to the line dividing sections 21 and 28, township 4 north, range 2 east; west along the section lines to the southwest corner of section 22, township 4 north, range 1 east; generally north along the section lines to the Clark-Cowlitz county line; generally west and south along the county line; generally south and east along the Washington-Oregon line; generally south and east along the northern and eastern boundaries of the forty-ninth legislative district; generally east along the Washington-Oregon line to the point of origin.

(b) In Skamania county beginning at the intersection of the line dividing Skamania and Klickitat counties and the Washington-Oregon line; proceed generally north along the line dividing Skamania and Klickitat counties to the northeast corner of section 24, township 4 north, range 9 east; west to the Skamania-Clark county line; south along the Skamania county line; east along the Washington state line to the point of origin.

(c) In Klickitat county beginning at the intersection of the line dividing Klickitat and Skamania counties with the Washington state line; proceed generally north along the county line to the northwest corner of section 30, township 5 north, range 10 east; east along the section lines to the northeast corner of section 30, township 5 north, range 14 east; south along the section lines to the Washington state line; west along the Washington state line to the point of origin.

(d) In Cowlitz county, beginning at the intersection of the Cowlitz-Clark county line with the Washington-Oregon line; proceed north along the Washington-Oregon line; east along the boundary of the eighteenth legislative district to the northeast corner of section 21, township 6 north, range 1 east; south along the section lines to the Cowlitz-Clark county line; southwest along the county line to the point of origin.

**NEW SECTION.** Sec. 19. The eighteenth legislative district shall consist of Wahkiakum county and the area in Cowlitz county encompassed by the following boundaries: Beginning at the intersection of the Cowlitz-Wahkiakum county line with the Washington-Oregon line; proceed north along the Cowlitz-Wahkiakum county line; east along the Cowlitz-Lewis county line; south along the Willamette Meridian to the southeast corner of section 13, township 6 north, range 1 west; west along the section lines to the Washington-Oregon line; north along the Washington-Oregon line to the point of origin.

**NEW SECTION.** Sec. 20. The nineteenth legislative district shall consist of Pacific county and the area in Grays Harbor county encompassed by the following boundaries: Beginning at the east quarter corner of section 15, township 20 north, range 12 west; proceed east along the boundary of the twenty-fourth legislative district; south along the Grays Harbor-Mason county line; south along the line dividing ranges 6 and 7 west to the

west quarter corner of section 30, township 18 north, range 6 west; east paralleling the section lines to the line dividing sections 25 and 26, township 18 north, range 6 west; south along the section lines; east along the 4th Standard Parallel North to the north quarter corner of section 1, township 16 north, range 5 west; south paralleling the section lines to the Grays Harbor-Lewis county line; west along the county line; north along the Washington territorial limits; east along the boundary of the twenty-fourth legislative district to the point of origin.

**NEW SECTION.** Sec. 21. The twentieth legislative district shall consist of Lewis county, the portion of Grays Harbor county not included in the nineteenth or twenty-fourth legislative districts, and the area in Thurston and Pierce counties encompassed by the following boundaries:

(a) In Thurston county beginning at the intersection of Thurston, Grays Harbor, and Mason counties; proceed east along the Thurston-Mason county line and along the line dividing townships 18 and 19 north to the northeast corner of section 3, township 18 north, range 3 west; south along the section lines; generally southeast along State Route 8; south along the line dividing ranges 2 and 3 west; east along the 4th Standard Parallel North; south along the Willamette Meridian to the southwest corner of section 6, township 16 north, range 1 east; east along the section lines to the Thurston county line; generally south, west, then north along the Thurston county line to the point of origin.

(b) In Pierce county beginning at the intersection of the Pierce-Thurston county line with the line dividing ranges 3 and 4 east; proceed generally north and east along the boundary of the twenty-ninth legislative district; generally east, north, then south along the boundary of the twenty-fifth legislative district; generally south and east along the Puyallup River and the North Fork of the Puyallup River; south along the western boundary of Mt. Rainier National Park; east along an extension of the line dividing sections 18 and 19 in township 15 north, range 10 east to the Nisqually River; generally west and north along the Lewis-Pierce and Lewis-Thurston county lines to the point of origin.

**NEW SECTION.** Sec. 22. The twenty-first legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection of the Snohomish-King county line and 48th Ave. W.; proceed generally east along the boundary of the first legislative district; generally north and west along the boundary of the thirty-ninth legislative district; generally west along 148th St.; northeast along State Highway 1; generally north along Lake Rd. and State Highway 525; east along 18th Place; generally west along the boundary of the tenth legislative district; south along the Snohomish-Island and Snohomish-Kitsap county line; generally east and south along the boundaries of the forty-fourth and first legislative districts to the point of origin.

**NEW SECTION.** Sec. 23. The twenty-second legislative district shall consist of the portion of Thurston county not included within the twentieth legislative district.

**NEW SECTION.** Sec. 24. The twenty-third legislative district shall consist of Kitsap county except for the area in the tenth legislative district, and the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the center line of the Tacoma Narrows with the northern boundary of section 16, township 21 north, range 2 east; proceed west along the section lines to the southwest corner of section 11, township 21 north, range 1 east; south along the section lines to the southeast corner of section 15, township 21 north, range 1 east; east along the section lines to the north quarter corner of section 23, township 21 north, range 1 east; south along the section lines to the centerline of Hale Passage; generally southeast through Hale Passage; generally southwest through Puget Sound excluding Ketrion Island but including Anderson, McNeil, and Fox Islands; generally north along the Pierce-Thurston county line and the Pierce-Mason county line; east along the Pierce-Kitsap county line; south along the centerline of Colvos Passage and the entrance to The Narrows to the point of origin.

**NEW SECTION.** Sec. 25. The twenty-fourth legislative district shall consist of Clallam, Jefferson, and Mason counties, and the area in Grays Harbor county north of a line beginning at the east quarter-corner of section 15, township 20 north, range 12 west and extending westward paralleling the section lines to the Washington territorial limits, and from the same point eastward to the Grays Harbor-Mason county line.

**NEW SECTION.** Sec. 26. The twenty-fifth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the 5th Standard Parallel North and the White River; proceed generally southeast along the White River; south along the line dividing range 5 east and range 6 east; west along the Buckley Highway; generally south along Werron Rd. and along the South Prairie-Connel Prairie Rd. in sections 1 and 12, township 19 north, range 5 east and its extension south to the southern boundary of section 13, township 19 north, range 5 east; east along the section line to A. P. Tubbs Rd. in section 19, township 19 north, range 6 east; south along A. P. Tubbs Rd. to the southern boundary of section 29, township 19 north, range 6 east; west along the section line to the Carbon River; generally west and north along the Carbon River to its confluence with the Puyallup River; generally south then west along the boundary of census enumeration district 53; generally north along the boundaries of the twenty-ninth, twenty-seventh, and twenty-sixth legislative districts; east along the Pierce-King county line to the point of origin.

**NEW SECTION.** Sec. 27. The twenty-sixth legislative district shall consist of the area in King and Pierce counties encompassed by the following boundaries:

(a) In King county beginning at the intersection of State Highway 181 and the King-Pierce county line; proceed west then north along the county line; east then north along the boundary of the thirtieth legislative district; generally east and south along the



boundary of the ninth legislative district; generally south along the Green River; east along an extension of 16th St. NE; south along 104th Ave. SE; west along 8th St. NE; generally south and east along the Green River; southwest along the southeastern boundary of census tract 311; generally southeast along the White River to the north boundary of section 33, township 21 north, range 5 east; west along the section line to the northeast corner of section 32, township 21 north, range 5 east; south along the section lines to the King-Pierce county line; west along the county line to the point of origin.

(b) In Pierce county, beginning in the city of Tacoma at the intersection of State Highway 16 and Pearl St.; proceed east then south on State Rd. 16; east along 6th Ave.; northeast along Division Ave.; south along "L" St.; east along S. 19th St.; North along Tacoma Ave.; east along S. 15th St.; north along Dock St.; east and northeast along 11th St.; east along the 5th Standard Parallel North; south along Golday Rd.; east along Ward St. and 12th St.; south along 70th Ave.; east along 20th St. E., Yuma St. in the town of Milton, and 53rd Ave.; generally north and east along the eastern boundary of enumeration district 20; east along 57th Ave. NW; south along Meridian Road; east along 49th Ave. NE; generally south along 11th St.; east along 41st Ave. NE; north along the White River; generally west then north along the Pierce-King county line; generally northwest, west and south along the boundary of the thirtieth legislative district to the point of origin.

**NEW SECTION. Sec. 28.** The twenty-seventh legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning in the city of Tacoma at the intersection of 6th Ave. and State Highway 16; proceed south and southeast along State Highway 16; south along Orchard St.; east along 100th St. SW; south along the Burlington Northern Railroad; east along an extension of Pacific St.; generally northeast along Interstate 5; east along 96th St. S.; north along Hosmer St. S.; east along S. 80th St.; north along Park Ave.; east along S. 48th St.; north along "G" St.; east along S. 38th St.; north along Tacoma Ave.; generally northeast along Interstate 5; generally southeast along the Puyallup River; north along 13th St. NE in the North Puyallup area; generally west along the southern boundary of the twenty-sixth legislative district to the point of origin.

**NEW SECTION. Sec. 29.** The twenty-eighth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the Narrows and the Tacoma Narrows Bridge; proceed east then south along the boundaries of the thirtieth, twenty-sixth, and twenty-seventh legislative districts; generally southwest along Interstate 5; generally southwest, then south, along the northwestern boundary of McChord Air Force Base; generally west along McChord Drive and New York St.; generally southwest along Interstate 5; east along the northern boundary of American Lake Gardens; south along Woodbrook Rd.; west along 150th St. SW; south along an extension of Fir St.; generally west along the south boundary of American Lake Gardens; north along Murray St.; south along Interstate 5; west then generally north along the boundaries of census tract 729 to the Steilacoom city limits; generally east, north, then west along the eastern boundary of Steilacoom city limits to Puget Sound; west to the boundary of the twenty-third legislative district; north along the boundaries of the twenty-third and thirtieth legislative districts to the point of origin.

**NEW SECTION. Sec. 30.** The twenty-ninth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning in the city of Tacoma on the boundary of the twenty-seventh legislative district at the intersection of Park Ave. and 54th St.; proceed east along 54th St. and along Tanglewood St.; south along the Chicago, Milwaukee, St. Paul and Pacific Railroad; east along 72nd St. E.; south along Golden Givins Rd. E.; east along 80th St. E.; south along Wilkeson St. E.; east along 84th St. E.; south along 24th Ave. E.; east along 96th St. E.; south along Fruitland Ave. E.; east along 112th St. E.; south along State Highway 161; west along 136th St. E.; south along 94th Ave. E.; west along 152nd St. E.; generally south and west along 156th St. E. and along Military Rd. E.; south along Canyon Rd.; west along Old Military Rd.; generally southeast along the Chicago, Milwaukee, St. Paul, and Pacific Railroad; west along the Muck-Kapowsin Rd.; generally southeast along State Highway 7; south along the line dividing range 3 east and range 4 east; generally northwest along the Pierce-Thurston county line; generally northeast along the boundary of the twenty-third legislative district; generally southeast then north along the boundaries of the twenty-eighth and twenty-seventh legislative districts to the point of origin.

**NEW SECTION. Sec. 31.** The thirtieth legislative district shall consist of the area in King and Pierce counties encompassed by the following boundaries:

(a) In King county, beginning at the intersection of the southern boundary of Salt Water State Park and Puget Sound; proceed generally east and south along the boundary of the thirtieth legislative district; generally south along 68th Ave. S.; State Highway 181, and Detroit Blvd.; west along S. 376th St.; generally northwest and west along the King-Pierce county line; generally north along the King-Kitsap county line; generally south and east along the boundaries of the thirty-first legislative district and the thirtieth legislative district to the point of origin;

(b) In Pierce county, beginning in the city of Tacoma at the intersection of Proctor St. and 31st St.; proceed west along 31st St.; north along Verde St.; west along 33rd St.; north along Gove St.; west along N. 36th St.; south along Baltimore St.; west along 35th St.; south along Pearl St.; generally northwest along State Highway 16; south along the centerline of The Narrows; generally northwest, north, east, then north along the boundary of the twenty-third legislative district; generally southeast, northeast, then southeast along the Pierce-King county line; west along the eastward extension of Mana-Wana Place; south

along Varco Rd. and Kennedy Rd. to the extreme low waterline; generally southwest across Commencement Bay to the intersection of the extreme low waterline with Carr St.; south along Carr St.; northwest along N. Yakima; south along Steele St.; west along 21st St.; north along Proctor St. to the point of origin.

**NEW SECTION.** Sec. 32. The thirty-first legislative district shall be the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of SW Mills St. and Fauntleroy Way SW; proceed southwest along Fauntleroy Way SW; generally east along SW Othello St.; south along California Ave. SW; east along SW Holden St.; south along 39th Ave. SW; east along SW Kenyon St.; south along 14th Ave. SW; east along SW Elmgrove St.; south along 1st Ave. S.; east along SW 132nd St. and its extension; south along Des Moines Way S.; east along S. 144th St.; south on 16th Ave. S.; generally east and south along Interstate 405; south along 24th Ave. S.; east along S. 160th St.; generally south and east along Military Rd. S.; west along S. 188th St.; northwest along 12th Place S.; north along 14th Ave. S.; west along S. 166th St.; south along 1st Ave. S.; west along the northern boundary of Normandy Park; north along 11th Ave. SW; east along SW 158th St.; north along 10th Ave. SW; east along SW 149th St.; generally north along SW Ambaum Blvd.; west along an extension of SW 136th St.; generally north and west through Puget Sound (excluding Vashon and Maury Island) to the intersection of the King county line and an extension of SW Mills St.; east along such extension and along SW Mills St. to the point of origin.

**NEW SECTION.** Sec. 33. The thirty-second legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of 20th Ave. NE and NE 50th St.; proceed west along NE 50th St. and N. 50th St.; north along Aurora Ave. N.; west along N. 70th St.; south along Greenwood Ave. N.; west along N. 60th St. and NW 60th St.; north along 8th Ave. NW; west along NW 70th St.; north along 19th Ave. NW; west along NW Canoe Place; north along 20th Ave. NW; west along NW 85th St.; south along 30th Ave. NW; west along NW 69th St.; south along 33rd Ave. NW; west along NW 68th St. and its extension to the King county line; south along the King county line; generally east along the northern boundary of the thirty-sixth legislative district; north along 15th Ave. NE; east along NE 38th St.; generally north along Montlake Blvd.; east along NE 45th St.; northeast along 45th Place; north along 35th Ave. NE; west along NE 65th St.; south along 20th Ave. NE to the point of origin.

**NEW SECTION.** Sec. 34. The thirty-third legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of 1st Ave. S. and S. 116th St.; proceed east along S. 116th St.; south along 8th Ave. S.; east along S. 120th St.; north along Old Military Rd.; east along S. 116th St.; generally east and south along S. 115th Place and S. 116th Place; north along Pacific Highway S.; east along the Duwamish River to the logical extension of 32nd Ave. S.; north along the extension of 32nd Ave. S.; east along the Seattle city limits; north along State Highway 21; southeast along Beacon Ave. S.; generally north and east along the boundary of the thirty-fifth legislative district; north along Lake Washington excluding Mercer Island; generally west and south along the boundary of the thirty-seventh legislative district; south along Interstate 5; generally east and south along Columbian Way; south along 15th Ave. S.; generally west and south along the Seattle city limits; generally south along the boundary of the thirty-first legislative district to the point of origin.

**NEW SECTION.** Sec. 35. The thirty-fourth legislative district shall be the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of E. Cherry St. and 15th Ave.; proceed south along the boundary of the thirty-seventh and thirty-third legislative districts; west along the boundary of the thirty-first legislative district; north along the King county line; east along the southern boundary of the thirty-seventh legislative district to the point of origin.

**NEW SECTION.** Sec. 36. The thirty-fifth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of S. Fletcher St. with 51st Ave. S.; proceed north along 51st Ave. S.; east along Rainier Ave. S.; north along 57th Ave. S. to the shore of Lake Washington; east to the centerline of Lake Washington; south along Lake Washington to the western boundary of the Renton city limits; generally southwest along the city limits; west along NW 24th Ave.; south along 84th Ave. S.; east along S. 132nd Rd.; generally south, east and west along the Renton city limits; generally east along Sunset Blvd. W. and SW 4th Place; south along Stevens Ave. SW; generally east along Chicago, St. Paul, Milwaukee and Pacific Railroad; south along Hardie Ave. SW; east along Interstate 405; south on Talbot Rd.; south along Puget Drive and southeast along Benson Rd.; east along SE 168th St.; south along 121st Ave. SE; southeast along SE 170th Place; east along SE 172nd St.; south along 129th Ave. SE; generally east along Petrovitsky Rd.; south along 140th Ave. SE; west along SE 208th St.; south along 116th Ave. SE; west along SE 228th St.; generally west and north along the boundary of the ninth legislative district; generally north along the boundary of the thirty-first legislative district; generally east along the boundary of the thirty-third legislative district to the point of origin.

**NEW SECTION.** Sec. 37. The thirty-sixth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Denny Way and Third Ave.; proceed southeast along Third Ave.; northeast along Olive Way and Olive Way E.; north along Boylston Ave. E.; east along E. Harrison St.; north along Harvard Ave. E.; east along E. Roy St.; north along Broadway Ave. E.; east along E. Aloha St.; north along 10th Ave. E.; east along E. Prospect St.; north along

Federal Ave. E.; east along E. Newton St.; north along Everett Ave. E.; east along E. Lynn St.; north along 16th Ave. E.; generally west along the Lake Washington ship canal, through Lake Union, and along the Salmon Bay Waterway to its entrance into Shilshole Bay; west to the King county line; south along the county line to the extension of W. Denny Way; east along such extension, along W. Denny Way, and along Denny Way to the point of origin.

**NEW SECTION.** Sec. 38. The thirty-seventh legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Denny Way and Third Ave.; proceed west along the southern boundary of the thirty-sixth legislative district; south along the King county line; east along the extension of Yesler Way and along Yesler Way; northeast along James St.; east along E. Cherry St.; south along 15th Ave.; east along E. Spruce St.; south along 16th Ave. and 16th Ave. S.; west along S. Dearborn St.; south along Interstate 5; east along S. Atlantic St.; south along 17th Ave. S.; generally east along S. Massachusetts St.; north along 29th Ave. S.; east along S. Atlantic St.; north along 33rd Ave. S.; east along Interstate 90; south along 35th Ave. S.; east along S. Massachusetts St.; north along the center line of Lake Washington; west along U.S. 520; south along 37th Ave. E.; southwest along E. Madison St.; generally north along the western boundary of Broadmoor Golf Club and along 30th Ave. E.; west along U.S. 520; south and southwest along 20th Ave. E.; southeast along E. Boyer St.; generally southwest along 22nd Ave. E.; south along W. Interlaken Blvd.; east along E. Garfield St.; north along Everett Ave. E.; generally west and south along the boundary of the thirty-sixth legislative district to the point of origin.

**NEW SECTION.** Sec. 39. The thirty-eighth legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection in section 8, township 29 north, range 5 east of the Snohomish River and the Burlington Northern Railroad; proceed generally east and south along the boundary of the thirty-ninth legislative district; generally west and north along the twenty-first legislative district; generally east, north, then west along the boundary of the tenth legislative district; north along the Snohomish county line; east along the boundary of the thirty-ninth legislative district to the point of origin.

**NEW SECTION.** Sec. 40. The thirty-ninth legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection in section 8, township 29 north, range 5 east, of the Snohomish River and the Burlington Northern Railroad; proceed generally west and northwest along the river and through the passage north of Gedney Island to the Snohomish-Island county line; north along the county line; generally east and north along the boundary of the fortieth legislative district; east, generally south, then west along the Snohomish county line to the southwest corner of section 32, township 27 north, range 6 east; north along the section lines to the east quarter corner of section 7, township 27 north, range 6 east; west paralleling the section lines to the logical southerly extension of 67th Ave.; north along the extension of 67th Ave.; generally northeast along Ebey Slough to the quarter section line of section 26, township 28 north, range 5 east, east on said quarter section line; generally northeast along State Highway 204; east on Meridian St.; north along 99th Ave. NE; west along 28th St. NE and its extensions; generally south along the Burlington Northern Railroad to the point of origin.

**NEW SECTION.** Sec. 41. The fortieth legislative district shall consist of San Juan county; Skagit county, except for the portion included in the forty-second legislative district; and the area in Island and Skagit counties encompassed by the following boundaries:

(a) In Island county beginning on Whidbey Island at the northwest corner of section 33, township 33 north, range 1 east; proceed south and west along Crosby Rd. and its extension to the extreme low waterline of the Straits of Juan de Fuca; generally northwest to the intersection of Island, Jefferson and San Juan counties; generally northeast along the Island-San Juan county line; generally east and south along the Island-Skagit and Island-Snohomish county lines; generally north and west along the centerline of Saratoga passage; west and north along the boundary of census enumeration district 8 to the Oak Harbor city boundary; generally north along the Oak Harbor city boundary to the western boundary of section 36, township 33 north, range 1 east; north along the section line to the northwest corner of section 36, township 33 north, range 1 east; west along the section lines to the point of origin;

(b) In Snohomish county beginning at the intersection of Snohomish, Island, and Skagit counties; proceed east along the Snohomish-Skagit county line to the northeast corner of section 4, township 32 north, range 10 east; south along the section lines to the east quarter corner of section 33, township 31 north, range 10 east; northwest to the south quarter corner of section 13, township 31 north, range 9 east; west along the section lines to the southwest corner of section 16, township 31 north, range 9 east; north along the section lines to the line dividing township 31 north and township 32 north; west along the township boundary to the southwest corner of section 35, township 32 north, range 6 east; north along the section line to the northwest corner of the same section; west along the section lines; south along Interstate 5; west along the Stillaguamish River to the southern boundary of section 32, township 32 north, range 4 east; west along the line dividing township 31 north and township 32 north; north along the Snohomish-Island county line to the point of origin.

**NEW SECTION.** Sec. 42. The forty-first legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of SE 16th St. with 104th Ave. SE; proceed north along 104th Ave. SE; east along Main St.; north along 165th Ave. NE; east along NE 1st St. and along the

northern boundary of census tract 231; south along Lake Sammamish; generally south then west along the boundary of the forty-seventh legislative district; generally southwest then north around Mercer Island along the boundaries of the thirty-fifth and thirty-third legislative districts; generally southeast along the northern boundary of census tract 243; east along an extension of SE 16th St. and along SE 16th St. to the point of origin.

**NEW SECTION.** Sec. 43. The forty-second legislative district shall consist of Whatcom county and the area in Skagit county encompassed by the following boundaries: Beginning at the intersection of the Skagit-Whatcom county line and the line dividing ranges 7 and 8 east; proceed south along the range line; southwest along Grandy Creek to the south boundary of section 3, township 35 north, range 7 east; west along the section lines; south along Interstate 5; west along Joe Leary Slough to the southerly extension of Thomas Rd.; north along Thomas Rd.; generally north and west along State Route 11 to the bridge over the stream formed by Whitehall Creek and Colony Creek in section 22, township 36 north, range 3 east; generally west along such stream and its extension; north along the centerline of Samish Bay to the Skagit-Whatcom county line; east along the Skagit-Whatcom county line to the point of origin.

**NEW SECTION.** Sec. 44. The forty-third legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of 132nd Ave. NE and NE 55th St.; proceed generally west and south along the boundary of the forty-eighth legislative district; generally west and south along the boundary of the thirty-seventh legislative district; generally north along the boundary of the thirty-sixth, thirty-second and forty-sixth legislative districts; generally east and south along the boundary of the first legislative district; west along the boundary of the forty-eighth legislative district to the point of origin.

**NEW SECTION.** Sec. 45. The forty-fourth legislative district shall consist of the area in King and Snohomish counties encompassed by the following boundaries:

(a) In King county, beginning at the intersection of King, Snohomish, and Kitsap counties; proceed east along the King-Snohomish county line; south along 15th Ave. NW; southeast along Richmond Rd.; east along NW 191st St.; south along Aurora Ave. N.; generally south and west along the boundary of the forty-fifth legislative district; generally west along the boundary of the thirty-second legislative district; north along the King-Kitsap county line to the point of origin.

(b) In Snohomish county, beginning at the intersection of Snohomish, King, and Kitsap counties; proceed east along the Snohomish-King county line; north along 84th Ave. W.; east along 236th St. SW; generally northeast along Peterson Drive; east along 234th St. SW; north along 48th Ave. W.; east along 212th St. SW; north along 44th Ave. W.; west along 196th St. SW; north along W. 64th Ave.; west along 192nd St. SW; south along W. 71st Ave.; west along 193rd St. SW; south along W. 73rd Ave.; west along 194th St. SW; south along W. 74th Ave.; west along 196th St. SW; south along W. 88th Ave.; west along 220th St. SW; north along 2nd Ave.; west along 215th St. SW; south along the Snohomish-Kitsap county line and east along the Snohomish-King county line to the point of origin.

**NEW SECTION.** Sec. 46. The forty-fifth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Roosevelt Way NE and NE 50th St.; proceed north along Roosevelt Way NE; west along NE 85th St.; north along 5th Ave. NE; west along NE 158th St. and N. 158th St.; south along Meridian Ave. N.; west along N. 157th St.; south along Aurora Ave. N.; west along NW 145th St.; south along Greenwood Ave. N.; west along NW 115th St.; south along 8th Ave. NW; southwest along Holman Rd.; south along 14th Ave. NW; west along NW 85th St.; generally south and east along the boundary of the thirty-second legislative district to the point of origin.

**NEW SECTION.** Sec. 47. The forty-sixth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Roosevelt Way NE and NE 50th St.; proceed generally north and west along the boundary of the forty-fifth legislative district; north along Wallingford Ave. N.; east along N. 170th St.; north along Meridian Ave. N.; east along N. 171st St.; south along Interstate 5; east along NE 170th St.; north along 5th Ave. NE; east along NE 180th St.; generally southeast along 24th Ave. NE and along NE 178th St.; south along 30th Ave. NE; east along NE 155th St.; south along Lake Washington; west along NE 85th St.; south along 30th Ave. NE; west along NE 75th St.; south along 26th Ave. NE; generally south and west along the boundary of the thirty-second legislative district to the point of origin.

**NEW SECTION.** Sec. 48. The forty-seventh legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of the centerline of the channel in Lake Washington between Mercer Island and the eastern shore of the lake with the northern boundary of census tract 252; proceed generally south and east along the boundary of census tract 252 to the Renton city limits at 116th Ave. SE; generally south and east along the city limits; east along SE 106th St.; south along Union Ave. SE; generally east along the Renton-Issaquah Rd.; north along 148th Ave. SE; southeast along Coalfield Way; north along an extension of 149th Ave. SE to the Bellevue city limits; west, north, then east along the Bellevue city limits; east along an extension of SE 48th St.; north to the intersection of 52nd Ave. NE and Newport-Issaquah Rd.; generally northwest along Newport-Issaquah Rd.; generally north along 153rd Ave. SE; east along SE 41st St. to the Newport-Issaquah Rd.; generally east along the Newport-Issaquah Rd.; generally north along a line drawn from the intersection of 171st Place SE with SE 43rd St.

to the intersection of SE 38th St. with State Highway 901; generally north along State Highway 901; east along SE 35th St.; south along 176th Ave. SE; generally southwest along Covington Way; generally southwest along 164th Place SE; west along SE 292nd St.; generally southeast along the Kent-Black Diamond Rd.; south along 196th Ave. SE; generally west along the Green River; south along 180th Ave. SE to the White River; generally north along the boundaries of the twenty-fifth, twenty-sixth, ninth, and thirty-fifth legislative districts; generally northeast along Lake Washington, excluding Mercer Island, to the point of origin.

**NEW SECTION.** Sec. 49. The forty-eighth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of 132nd Ave. NE and NE 55th St.; proceed north along 132nd Ave. NE; generally west along NE 70th St., NE 72nd Place, and NE 68th St.; south along Lake Washington and along the boundary of the thirty-seventh legislative district; generally east and south along the boundary of the forty-first legislative district; south along the boundary of the forty-seventh legislative district; generally east and north along the boundary of the twelfth legislative district; generally northwest along the boundary of the first legislative district; west along NE 60th St.; south along 154th Ave. NE; west along NE 55th St. to the point of origin.

**NEW SECTION.** Sec. 50. The forty-ninth legislative district shall consist of the area in Clark county encompassed by the following boundaries: Beginning near the eastern boundary of the city of Vancouver at the intersection of NE 112th Ave. and SE Mill Plain Rd.; proceed north along NE 112th Ave. and its logical extension to NE 49th St.; west along a logical extension of NE 49th St.; generally southwest along NE Fourth Plain Blvd.; north along NE 66th Ave.; west along NE 58th St. to the intersection with the logical northward extension of NE 50th Ave.; north along the logical extension of NE 50th Ave. to an intersection with the logical extension eastward of NE 65th St.; west along the logical extension of NE 65th St. and NE 65th St. to the Burlington Northern Railroad right of way; north to NE 78th St.; west along NE 78th St.; north on Interstate 5; west on NW 99th St.; north on NW 11th Ave.; west on NW 109th St.; north on NW 16th Ave.; west on NW 119th St. and its logical extension to the Washington state line; generally south and east along the Washington state line to an intersection with a southerly extension of SE 164th Rd.; north along SE 164th Rd.; west along SE Mill Plain Rd. to the point of origin.

**NEW SECTION.** Sec. 51. The Senate shall consist of forty-nine members, one of whom shall be elected from each of the forty-nine legislative districts.

**NEW SECTION.** Sec. 52. Of the senators provided for in this act, one senator shall be elected from each of the following legislative districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1974, and every four years thereafter, for a term of four years: 6, 7, 8, 13, 15, 21, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48. A senator shall be elected from each of the other senatorial districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every four years thereafter, for a term of four years.

**NEW SECTION.** Sec. 53. The House of Representatives shall consist of ninety-nine members, two of whom shall be elected from each legislative district; except that three representatives shall be elected from the forty-second legislative district. The members shall be elected at large from the legislative district unless a legislative district has been subdivided into two representative districts, in which case, one member shall be elected from each representative district.

**NEW SECTION.** Sec. 54. The representatives provided for in this act shall be elected from the legislative districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter, each for a term of two years.

**NEW SECTION.** Sec. 55. The term of office of each senator and representative elected after the effective date of this act shall commence on the second Monday in January following the date of election.

**NEW SECTION.** Sec. 56. The intent of this act is to include all of the territory of the state in the forty-nine legislative districts created by this act, whether or not such territory has been encompassed within the boundaries of the areas specifically described. If any territory of the state is not included within the areas specifically mentioned, such territory shall be assigned to a legislative district as follows: (1) If such territory be completely surrounded by territory embraced within a given legislative district, such territory shall be and become a part of such district; (2) If such territory shall not be thus surrounded but shall adjoin one or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants. If any territory which has been specifically mentioned is embraced within two or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants, and shall not be part of the other district or districts. The 1970 United States census shall be used for determining the number of inhabitants under this act. If any territory has been specifically mentioned as embraced within a given legislative district but is in fact separated from such district by territory of one or more other districts, such territory shall be assigned as though it had not been included within a district specifically mentioned herein.

**NEW SECTION.** Sec. 57. This act shall not affect the forty-second legislature or the terms of its members. The terms of each senator elected at the 1970 general election for a

new term commencing in January, 1971 shall continue until the second Monday in January, 1975.

*NEW SECTION.* Sec. 58. On the basis of the adjusted population data the population of the state was apportioned by districts as follows:

1.	68,026
2.	68,069
3.	68,111
4.	68,052
5.	68,082
6.	67,980
7.	68,016
8.	68,010
9.	68,052
10.	68,050
11.	68,004
12.	68,028
13.	68,021
14.	68,083
15.	68,008
16.	68,009
17.	68,106
18.	68,050
19.	68,017
20.	67,993
21.	68,060
22.	68,005
23.	68,002
24.	68,066
25.	68,020
26.	68,015
27.	68,072
28.	68,024
29.	68,013
30.	67,980
31.	68,013
32.	68,030
33.	68,012
34.	68,082
35.	68,037
36.	68,022
37.	68,047
38.	68,033
39.	68,042
40.	68,050
41.	68,051
42.	85,000
43.	68,022
44.	68,048
45.	68,040
46.	68,059
47.	68,020
48.	68,036
49.	68,007

*NEW SECTION.* Sec. 59. Sections 1 through 58 of this act are added to chapter 44.07 RCW.

*NEW SECTION.* Sec. 60. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 6, Laws of 1965 and RCW 44.07.005;
- (2) Section 2, chapter 6, Laws of 1965 and RCW 44.07.010;
- (3) Section 3, chapter 6, Laws of 1965 and RCW 44.07.020;
- (4) Section 4, chapter 6, Laws of 1965 and RCW 44.07.030;
- (5) Section 5, chapter 6, Laws of 1965 and RCW 44.07.040;
- (6) Section 6, chapter 6, Laws of 1965 and RCW 44.07.050;
- (7) Section 7, chapter 6, Laws of 1965 and RCW 44.07.060;
- (8) Section 8, chapter 6, Laws of 1965 and RCW 44.07.070;
- (9) Section 9, chapter 6, Laws of 1965 and RCW 44.07.080;
- (10) Section 10, chapter 6, Laws of 1965 and RCW 44.07.090;
- (11) Section 11, chapter 6, Laws of 1965 and RCW 44.07.100;
- (12) Section 12, chapter 6, Laws of 1965 and RCW 44.07.110;
- (13) Section 13, chapter 6, Laws of 1965 and RCW 44.07.120;
- (14) Section 14, chapter 6, Laws of 1965 and RCW 44.07.130;
- (15) Section 15, chapter 6, Laws of 1965 and RCW 44.07.140;
- (16) Section 16, chapter 6, Laws of 1965 and RCW 44.07.150;
- (17) Section 17, chapter 6, Laws of 1965 and RCW 44.07.160;

- (18) Section 18, chapter 6, Laws of 1965 and RCW 44.07.170;
- (19) Section 19, chapter 6, Laws of 1965 and RCW 44.07.180;
- (20) Section 20, chapter 6, Laws of 1965 and RCW 44.07.190;
- (21) Section 21, chapter 6, Laws of 1965 and RCW 44.07.200;
- (22) Section 22, chapter 6, Laws of 1965 and RCW 44.07.210;
- (23) Section 23, chapter 6, Laws of 1965 and RCW 44.07.220;
- (24) Section 24, chapter 6, Laws of 1965 and RCW 44.07.230;
- (25) Section 25, chapter 6, Laws of 1965 and RCW 44.07.240;
- (26) Section 26, chapter 6, Laws of 1965 and RCW 44.07.250;
- (27) Section 27, chapter 6, Laws of 1965 and RCW 44.07.260;
- (28) Section 28, chapter 6, Laws of 1965 and RCW 44.07.270;
- (29) Section 29, chapter 6, Laws of 1965 and RCW 44.07.280;
- (30) Section 30, chapter 6, Laws of 1965 and RCW 44.07.290;
- (31) Section 31, chapter 6, Laws of 1965 and RCW 44.07.300;
- (32) Section 32, chapter 6, Laws of 1965 and RCW 44.07.310;
- (33) Section 33, chapter 6, Laws of 1965 and RCW 44.07.320;
- (34) Section 34, chapter 6, Laws of 1965 and RCW 44.07.330;
- (35) Section 35, chapter 6, Laws of 1965 and RCW 44.07.340;
- (36) Section 36, chapter 6, Laws of 1965 and RCW 44.07.350;
- (37) Section 37, chapter 6, Laws of 1965 and RCW 44.07.360;
- (38) Section 38, chapter 6, Laws of 1965 and RCW 44.07.370;
- (39) Section 39, chapter 6, Laws of 1965 and RCW 44.07.380;
- (40) Section 40, chapter 6, Laws of 1965 and RCW 44.07.390;
- (41) Section 41, chapter 6, Laws of 1965 and RCW 44.07.400;
- (42) Section 42, chapter 6, Laws of 1965 and RCW 44.07.410;
- (43) Section 43, chapter 6, Laws of 1965 and RCW 44.07.420;
- (44) Section 44, chapter 6, Laws of 1965 and RCW 44.07.430;
- (45) Section 45, chapter 6, Laws of 1965 and RCW 44.07.440;
- (46) Section 46, chapter 6, Laws of 1965 and RCW 44.07.450;
- (47) Section 47, chapter 6, Laws of 1965 and RCW 44.07.460;
- (48) Section 48, chapter 6, Laws of 1965 and RCW 44.07.470;
- (49) Section 49, chapter 6, Laws of 1965 and RCW 44.07.480;
- (50) Section 50, chapter 6, Laws of 1965 and RCW 44.07.490;
- (51) Section 51, chapter 6, Laws of 1965 and RCW 44.07.500;
- (52) Section 52, chapter 6, Laws of 1965 and RCW 44.07.510;
- (53) Section 53, chapter 6, Laws of 1965 and RCW 44.07.520;
- (54) Section 54, chapter 6, Laws of 1965 and RCW 44.07.530;
- (55) Section 55, chapter 6, Laws of 1965 and RCW 44.07.540;
- (56) Section 56, chapter 6, Laws of 1965 and RCW 44.07.550; and
- (57) Section 58, chapter 6, Laws of 1965 and RCW 44.07.910.

*NEW SECTION.* Sec. 61. If the inclusion in this act of any set or sets of separate representative districts within a legislative district or districts shall render this chapter invalid, the whole legislative district or districts shall be treated as a district or districts with two representatives elected at large and without separate representative districts. If any other provisions of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected."

Senator Elicker moved adoption of the following amendment to the amendment by Senator Greive:

On page 3, section 1, line 4, after "factors," add new subsection (L) to read as follows: "(L) The present political composition of the legislature and the maintaining thereof."

Debate ensued.

The motion lost and the amendment to the amendment was not adopted.

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

On motion of Senator Greive, the following amendment to the title was adopted:

Strike the title and insert:

"An Act relating to the legislature; providing for the redistricting and reapportionment of the state and its population into legislative districts; adding new sections to chapter 44.07 RCW; repealing section 1, chapter 6, Laws of 1965 and RCW 44.07.005; repealing section 2, chapter 6, Laws of 1965 and RCW 44.07.010; repealing section 3, chapter 6, Laws of 1965 and RCW 44.07.020; repealing section 4, chapter 6, Laws of 1965 and RCW 44.07.030; repealing section 5, chapter 6, Laws of 1965 and RCW 44.07.040; repealing section 6, chapter 6, Laws of 1965 and RCW 44.07.050; repealing section 7, chapter 6, Laws of 1965 and RCW 44.07.060; repealing section 8, chapter 6, Laws of 1965 and RCW 44.07.070; repealing section 9, chapter 6, Laws of 1965 and RCW 44.07.080; repealing section 10, chapter 6, Laws of 1965 and RCW 44.07.090; repealing section 11, chapter 6, Laws of 1965 and RCW 44.07.100; repealing section 12, chapter 6, Laws of 1965 and RCW 44.07.110; repealing section 13, chapter 6, Laws of 1965 and RCW 44.07.120; repealing section 14, chapter 6, Laws of 1965 and RCW 44.07.130; repealing section 15, chapter 6, Laws of 1965 and RCW 44.07.140; repealing section 16, chapter 6, Laws of 1965 and RCW 44.07.150; repealing section 17, chapter 6, Laws of 1965 and RCW 44.07.160; repealing section 18, chapter 6, Laws of 1965 and RCW 44.07.170; repealing section 19, chapter 6, Laws of 1965

and RCW 44.07.180; repealing section 20, chapter 6, Laws of 1965 and RCW 44.07.190; repealing section 21, chapter 6, Laws of 1965 and RCW 44.07.200; repealing section 22, chapter 6, Laws of 1965 and RCW 44.07.210; repealing section 23, chapter 6, Laws of 1965 and RCW 44.07.220; repealing section 24, chapter 6, Laws of 1965 and RCW 44.07.230; repealing section 25, chapter 6, Laws of 1965 and RCW 44.07.240; repealing section 26, chapter 6, Laws of 1965 and RCW 44.07.250; repealing section 27, chapter 6, Laws of 1965 and RCW 44.07.260; repealing section 28, chapter 6, Laws of 1965 and RCW 44.07.270; repealing section 29, chapter 6, Laws of 1965 and RCW 44.07.280; repealing section 30, chapter 6, Laws of 1965 and RCW 44.07.290; repealing section 31, chapter 6, Laws of 1965 and RCW 44.07.300; repealing section 32, chapter 6, Laws of 1965 and RCW 44.07.310; repealing section 33, chapter 6, Laws of 1965 and RCW 44.07.320; repealing section 34, chapter 6, Laws of 1965 and RCW 44.07.330; repealing section 35, chapter 6, Laws of 1965 and RCW 44.07.340; repealing section 36, chapter 6, Laws of 1965 and RCW 44.07.350; repealing section 37, chapter 6, Laws of 1965 and RCW 44.07.360; repealing section 38, chapter 6, Laws of 1965 and RCW 44.07.370; repealing section 39, chapter 6, Laws of 1965 and RCW 44.07.380; repealing section 40, chapter 6, Laws of 1965 and RCW 44.07.390; repealing section 41, chapter 6, Laws of 1965 and RCW 44.07.400; repealing section 42, chapter 6, Laws of 1965 and RCW 44.07.410; repealing section 43, chapter 6, Laws of 1965 and RCW 44.07.420; repealing section 44, chapter 6, Laws of 1965 and RCW 44.07.430; repealing section 45, chapter 6, Laws of 1965 and RCW 44.07.440; repealing section 46, chapter 6, Laws of 1965 and RCW 44.07.450; repealing section 47, chapter 6, Laws of 1965 and RCW 44.07.460; repealing section 48, chapter 6, Laws of 1965 and RCW 44.07.470; repealing section 49, chapter 6, Laws of 1965 and RCW 44.07.480; repealing section 50, chapter 6, Laws of 1965 and RCW 44.07.490; repealing section 51, chapter 6, Laws of 1965 and RCW 44.07.500; repealing section 52, chapter 6, Laws of 1965 and RCW 44.07.510; repealing section 53, chapter 6, Laws of 1965 and RCW 44.07.520; repealing section 54, chapter 6, Laws of 1965 and RCW 44.07.530; repealing section 55, chapter 6, Laws of 1965 and RCW 44.07.540; repealing section 56, chapter 6, Laws of 1965 and RCW 44.07.550; and repealing section 58, chapter 6, Laws of 1965 and RCW 44.07.910."

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 928 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 Huntley: "Would Senator Greive yield? Senator, in one of the daily newspapers the other day, you were quoted at your news conference that you had taken care of every member of the Senate but one, Senator Huntley, and the reason that you had not taken care of him, because he had said he was going to run for Congress. I wonder where you got that because I did not tell you nor have I told it to anyone else."

Senator Greive: "Well, Senator, since you are not running for Congress and since this bill is not going to pass, maybe there is yet hope."

#### POINT OF ORDER

Senator Huntley: "Mr. President and members of the Senate, since I am the only one that does not have a district, under Article II, section 30 of the Constitution, I suggest to you that I am the only one on this floor that is going to be able to vote for or against the bill. Mr. President, I would suggest that if the reading clerk is ready to call the roll, I vote 'no' and that is the end of the bill."

#### RULING BY THE PRESIDENT

The President: "Senator Huntley, the President is aware that your remarks are correct and was going to rule upon your point of order. The point of order as raised by Senator Huntley is well taken as provided for in the Constitution, but the President unfortunately does not rule on constitutional questions, Senator Huntley."

#### POINT OF INQUIRY

Senator Canfield: "In looking at this map, I was just wondering who had the most distance to cover, Senator Wilson or myself. I wanted to ask Senator Greive, do you furnish a helicopter in these two districts?"

Senator Greive: "Maurice Chevalier, when he was asked how it felt to be eighty-seven said once, 'When I consider the alternative it feels pretty good.' Since you are eliminated under the Republican plan, I think you would rather have something with a helicopter."

Senator Canfield: "Mr. President, Senator Greive's point is well taken."



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 928, and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Washington, Wilson—28.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Talley, Twigg, Whetzel, Woodall—21.

ENGROSSED SENATE BILL NO. 928, having received the 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'S PRIVILEGE

The President: "Esteemed members of the Senate, ladies and gentlemen, the President should like the great pleasure of exercising the privilege of presenting an illustrious and renowned former member of the Washington State Legislature, the highly popular and very capable United States Congresswoman, Julia Butler Hansen."

## SECOND READING

SENATE BILL NO. 529, by Senators Greive, Cooney and Twigg:  
Permitting the sale of distressed liquor.

## REPORT OF STANDING COMMITTEE

April 30, 1971.

SENATE BILL NO. 529, permitting the sale of distressed liquor (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, section 1, subsection (1), line 15, after "board" and before the period insert "": PROVIDED, That any manufacturer of a malt beverage may, at his option and upon notification of the liquor control board, replace the damaged goods with fresh stock to the licensee"

Signed by: Senators Mardesich, Chairman; Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Stortini, Walgren, Whetzel.

The bill was read the second time by sections.

On motion of Senator Greive, the committee amendment was adopted.

On motion of Senator Greive, the rules were suspended, Engrossed Senate Bill No. 529 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. 529, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senators Durkan, Metcalf—2.

ENGROSSED SENATE BILL NO. 529, having received the 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

On motion of Senator Atwood, the appointment of WALTER C. HOWE, JR., to the position of director of the Office of Program Planning and Fiscal Management was confirmed.

APPOINTMENT OF WALTER C. HOWE, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Atwood, the appointment of MATTHEW HILL as a member of the Pollution Control Hearing Board was confirmed.

APPOINTMENT OF MATTHEW HILL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison the appointment of GEORGE V. POWELL as a member of the Board of Regents of the University of Washington was confirmed.

APPOINTMENT OF GEORGE V. POWELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of MICHAEL DEDERER as a member of the Board of Regents of the University of Washington was confirmed.

APPOINTMENT OF MICHAEL DEDERER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—49.

On motion of Senator Sandison, the appointment of JAMES R. ELLIS as a member of the Board of Regents of the University of Washington was confirmed.

#### APPOINTMENT OF JAMES R. ELLIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

On motion of Senator Sandison, the appointment of H. H. "DUTCH" HAHNER as a member of the Board of Regents of Washington State University was confirmed.

#### APPOINTMENT OF H. H. "DUTCH" HAHNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-49.

#### MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 140 was made a special order of business for 11:00 a.m., Saturday, May 8, 1971.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, by Committee on Transportation:

Providing for suspended sentences for driving while intoxicated.

The Senate resumed consideration of Engrossed Substitute House Bill No. 321 and the pending committee amendments previously moved for adoption by Senator Gissberg, on Thursday, May 6, 1971.

Debate ensued.

The motion by Senator Gissberg failed and the committee amendments were not adopted.

Senator Metcalf moved adoption of the following amendment:

On page 2, after section 1, add a new section as follows:

"Sec. 2. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 55, chapter 145, Laws of 1967 ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction

punished as by law provided, and the department shall not issue a driver's license to such persons during the period of such suspension or revocation: PROVIDED, ALSO, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days of the date of a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, or the payment of a fine or a plea of guilty, or a finding of guilt on a traffic violation charge, an abstract of the court record in the form prescribed by rule of the supreme court, showing the forfeiture of bail or collateral deposited to secure the defendant's appearance in court, or the payment of the fine or the plea of guilty, or the finding of guilt [conviction of any person] in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person [so convicted].

(3) For the purposes of Title 46 the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, under Title 46 regardless of whether the imposition of sentence is deferred or the penalty is suspended."

Debate ensued.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

On motion of Senator Guess, the following amendment was adopted:

On page 3, line 20 of the printed bill, being line 18 of the engrossed bill, after "treated" insert "as one offense" and after "chapter" strike "as one offense"

On motion of Senator Holman, the following amendment was adopted:

On page 3, section 4, line 20 of the printed bill, being line 18 of the engrossed bill, after "offense" insert a colon and strike all of lines 21 through 24 of the printed bill, being lines 18 through 22 of the engrossed bill.

Senator Walgren moved adoption of the following amendment:

On page 7, following line 21, after section 14 insert the following new sections and renumber the remaining sections consecutively:

"NEW SECTION. Sec. 15. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section 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 as now or hereafter amended, 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 three years 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 or has not had his driver's license suspended or revoked pursuant to RCW 46.20.308; 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) above. 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.

If such petitioner is qualified under the provisions of subsection (2) (b) above, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: 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 order 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 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) above, 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 as now or hereafter amended, 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.

NEW SECTION. Sec. 16. Section 46.20.390, chapter 12, Laws of 1961, section 32, chapter 32, Laws of 1967, and RCW 46.20.390 are each repealed."

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

#### MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 321 was made a special order of business for 11:30 a.m., Saturday, May 8, 1971.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, by Committee on State Government:

Providing for the registration and regulation of lobbyists.

The Senate resumed consideration of Engrossed Substitute House Bill No. 457 and the pending committee amendment moved for adoption by Senator Walgren on Thursday, May 6, 1971.

Senator Holman moved adoption of the following amendment to the committee amendment:

On page 10, section 8, line 20 of the Senate Committee amendment, after "pertaining to" and before "any pending" insert "or exercise any undue influence, extortion or unlawful retaliation upon any legislator by reason of his position with respect to or his vote upon,"

#### POINT OF INQUIRY

Senator Woodall: "Would Senator Holman yield? The particular amendment you have in mind interests me. If someone says, 'I am going to tell all of my club', 'I am going to tell all of my lodge', 'I am going to tell all of my church', 'I am going to tell all of my union on you if you vote a certain way', would that be contraband under your amendment?"

Senator Holman: "No, sir, it would not."

Senator Woodall: "Well then what is the import of the amendment when you say 'attempt to pressure you'?"

Senator Holman: "The language of the amendment says 'undue influence' which is a legal term which you understand, extortion or retaliation. I think they are quite self-evident what they mean."

Senator Woodall: "Mr. President, I understand extortion and undue influence but retaliation I do not believe has a fixed legal definition. I know of no crime involving retaliation. I know of extortion; I know of undue influence, but retaliation. That is the item I wish you would address yourself to. I would like to know what it means."

Senator Holman: "I would say it means unlawful retaliation. If you would like to offer an amendment. That is what it means. It is not a crime. It is what a lobbyist shall not do. I offer the amendment by putting the word 'unlawful' in the proper place there."

The motion carried and the amendment to the amendment was adopted.

On motion of Senator Holman, the following amendment to the committee amendment was adopted:

On page 10, section 8, line 27 of the Senate Committee amendment, change the period to a semicolon and add "and such lobbyist's employer who aids or abets, participates in, ratifies or confirms, such acts as hereinabove prescribed, violates the provisions of this 1971 amendatory act."

Senator Holman moved adoption of the following amendment to the committee amendment:

On page 11, section 10, line 2 of the amendment, beginning with "Section" strike the remainder of line 2 and all of line 3 and insert: "Any person damaged by reason of any violation of the provisions of this 1971 amendatory act by a lobbyist, or a lobbyist's employer, may maintain an action against such lobbyist or such lobbyist's employer. If damages are awarded in such action, the court may also award a reasonable attorney's fee."

#### POINT OF INQUIRY

Senator Woodall: "Senator Holman, it is rather apparent you wrote these out in longhand in haste. If you will look at the amendment, it reads, 'If damages are awarded in such action, they shall include a reasonable attorney's fee as fixed by the court'. Now you mean that after there is an award in damages the court then fixes an award of reasonable attorney's fee? Is that what you are saying or does a jury include some award for attorney's fees as part of his damage?"

Senator Holman: "A jury would not fix them. It would be fixed by the court. I was using the language earlier in the bill at the top of page 8 which says 'including a reasonable attorney's fee to be fixed by the court' and I think your point is well taken. It is probably wrong up there too. If it is agreeable with the body I would suggest the secretary change the amendment to read 'damages awarded in such action, reasonable attorney's fees may also be awarded as fixed by the court'. Would that be satisfactory? Make it 'may'. I think it should be 'may'. The last sentence should read, 'If damages are awarded in such action a reasonable attorney's fee may also be allowed by the court.'"

The motion by Senator Holman carried and the amendment to the committee amendment was adopted.

On motion of Senator Mardesich, the following amendment to the committee amendment was adopted:

On page 5, section 5, lines 29 and 30 of the amendment, strike "with the assistance of the attorney general." and on lines 32 and 33 strike "with the advice and assistance of a member of the attorney general's staff."

The committee amendments, as amended, were adopted.

On motion of Senator Holman, the following amendment to the title was adopted:

On page 1, beginning on line 11 of the engrossed and printed bills, strike "repealing section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050;"

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 457, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Absent or not voting: Senator McCutcheon—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, 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 11:55 p.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Saturday, May 9, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

## FIFTY-EIGHTH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Saturday, May 8, 1971.

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 Durkan, Gardner and Newschwander. On motion of Senator Knoblauch, Senator Gardner was excused.

The Color Guard, consisting of Pages Judy Holbrook, Color Bearer, and Kim Foster, presented the Colors. Pastor Glen D. Cole, of the First Assembly of God Church of Olympia, offered prayer as follows:

"Father, this legislative session is coming to a close. These men have heard many voices over the past weeks and months. Many have been crying out for their cause. Some would believe and state that we need a solver of national and international problems. Others shout, 'Give us fresh imaginative ideas'. Somehow, Lord, it seems that we need to learn as creatures of Yours, that we don't necessarily need more new things. That it is not some new, brilliant, creative idea from some super-intellectual brain that will guide us out of our dilemma. Remind us today that the truth is that the big wonderful idea has already been thought of. That we need not the discovery of new things or new ideas, but a rediscovery of the grand and glorious revelation to a sad and sick humanity 2000 years ago. God, draw the curtain back again. Open the door. Show us the tall Stranger of Galilee Who can save our world and give men the inner security they crave. Start that work right here in us this moment, for Jesus' sake.

"And on this very special day when the Honorable and Mrs. Gordon Sandison celebrate their twenty-eighth wedding anniversary, we pray a special blessing upon them. Thank You for their dedicated service to our state. We ask that You will grant them strength, happiness and renewal on this wonderful day. We pray in Jesus' name. Amen."

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

## REPORTS OF STANDING COMMITTEES

May 8, 1971.

SENATE BILL NO. 702, including lockouts and picket lines in the exemption for disqualification for unemployment compensation (reported by Committee on Labor and Industrial Insurance):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Bailey, Connor, Ridder.

Passed to Committee on Rules and Joint Rules for second reading.

May 6, 1971.

SENATE BILL NO. 848, providing a method of determining judges' salaries (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Connor, Cooney, Day, Foley, Francis, Gissberg, Greive, Herr, Huntley, Jolly, Lewis, Peterson (Lowell), Sandison, Stortini, Twigg, Walgren, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED HOUSE BILL NO. 153, exempting certain aircraft from state registration (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass.

Signed by: Senators Mardesich, Chairman; Clarke, Cooney, Day, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Stortini, Twigg, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

HOUSE BILL NO. 350, authorizing increase in amount of insurance premiums school directors and higher educational institutions may pay for personnel (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Fleming, Gardner, Odegaard, Peterson (Ted), Ridder, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 596, providing for changes in priority of claims on contractors' bonds (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Mardesich, Chairman; Cooney, Day, Gardner, Gissberg, Huntley, Knoblauch, McDougall, Peterson (Lowell) Stortini, Whetzel.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

HOUSE BILL NO. 672, providing for eye protection while riding motorcycles or motor-driven cycles (reported by Committee on Transportation):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Donohue, Elicker, Foley, Huntley, Jolly, Lewis, Peterson (Lowell), Sandison, Scott, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED HOUSE BILL NO. 704, requiring notice to property owners of the nature and amount of special assessments due (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Cooney, Day, Donohue, Elicker, Francis, Gissberg, Herr, Holman, Jolly, Lewis, Metcalf, Odegaard, Peterson (Ted), Ridder, Sandison, Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED HOUSE BILL NO. 892, pertaining to transportation and the welfare of the state and its citizens (reported by Committee on Transportation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Donohue, Elicker, Foley, Herr, Huntley, Keefe, Matson, Peterson (Lowell), Stender, Talley, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 35, directing a study of college credit transfers (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

## GUBERNATORIAL APPOINTMENTS

May 8, 1971.

L. EVERT LANDON, to the position of member of the State Board for Community College Education, appointed by the Governor on April 3, 1970 for the term ending April 3, 1974, succeeding himself (reported by Committee on Higher Education and Libraries):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Atwood, Gardner, Guess, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

Passed to Committee on Rules and Joint Rules.

May 8, 1971.

JAMES R. STANFORD, to the position of member of the Tax Appeals Board, appointed by the Governor on March 1, 1971 for the term ending March 1, 1975, succeeding Merton Dick (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Canfield, Connor, Cooney, Donohue, Dore, Elicker, Foley, Francis, Gissberg, Jolly, Lewis, Odegaard, Peterson (Lowell), Ridder, Stortini, Twigg, Wilson.



Passed to the Committee on Rules and Joint Rules.

May 8, 1971.  
 J. JOY WILLIAMS, to the position of member of the Tax Appeals Board, appointed by the Governor on March 1, 1971 for the term ending March 1, 1977, succeeding himself (reported by Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Durkan, Chairman; Andersen, Atwood, Canfield, Connor, Cooney, Donohue, Dore, Elicker, Foley, Francis, Gissberg, Jolly, Lewis, Odegaard, Peterson (Lowell), Ridder, Stortini, Twigg, Wilson.

Passed to the Committee on Rules and Joint Rules.

MESSAGES FROM THE HOUSE

May 7, 1971.  
 Mr. President: The House has passed:  
 ENGROSSED SENATE BILL NO. 231,  
 SENATE BILL NO. 233,  
 ENGROSSED SENATE BILL NO. 373,  
 ENGROSSED SENATE BILL NO. 512,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
 Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 747, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
 Mr. President: The Speaker has signed:  
 SENATE BILL NO. 314,  
 SUBSTITUTE SENATE BILL NO. 553,  
 SENATE BILL NO. 629,  
 SENATE BILL NO. 755,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
 Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 1034 and has granted said committee the powers of Free Conference. DONALD R. WILSON, Assistant Chief Clerk.

May 7, 1971.  
 Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 200 and has granted said committee the powers of Free Conference. DONALD R. WILSON, Assistant Chief Clerk.

May 7, 1971.  
 Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 725,  
 ENGROSSED HOUSE BILL NO. 865,  
 and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 7, 1971.  
 Mr. President: The House has passed:  
 ENGROSSED HOUSE BILL NO. 487,  
 ENGROSSED HOUSE BILL NO. 605,  
 ENGROSSED HOUSE BILL NO. 1022,  
 and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
 Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 69 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Haussler, Newhouse and Wolf.  
 MALCOLM McBEATH, Chief Clerk.

May 7, 1971.  
 Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 853 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Kopet, North and Martinis.  
 MALCOLM McBEATH, Chief Clerk.

May 7, 1971.

Mr. President: The House has granted the request of the Senate for a conference on HOUSE BILL NO. 307 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Flanagan, Pardini and Perry.

MALCOLM McBEATH, Chief Clerk.

May 7, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 446 with the following amendments:

On page 2, section 2, line 10 after "slaughterer," strike all the matter down to and including the period in line 12.

On page 2, section 2, line 16 after "less than" strike "the aggregate of one quarter or one split" and insert "one quarter or one"

On page 2, section 3, line 30 strike all of subsection (3) and renumber the remaining subsections consecutively.

On page 3, section 3, line 7 after "sold in" strike "quantities aggregating less than one quarter or one split" and insert "less than one full quarter or one"

On page 3, section 4, line 21 after "PROVIDED," strike the remainder of the section and insert "That the department of agriculture and the department of social and health services may allow any retail meat shop to act as a meat handling facility and exempt from the provisions of subsections (3) and (6) of section 3 of this act and may exempt any meat handling facility from the said provisions of subsections (3) and (6) of section 3 of this 1971 amendatory act if the director of the department of agriculture and the secretary of the department of social and health services shall determine that any such retail meat shop or custom meat handling facility is located in an area so remote from centers of population that few establishments exist that can practicably handle, prepare, and sell meat to the residents of such remote area: PROVIDED FURTHER, That the director of the department of agriculture and the secretary of the department of social and health services shall make such regulations as they deem necessary to insure that the operations of such custom meat facilities and retail meat shops in remote areas shall be conducted in a manner adequately to protect the health of the residents in the areas served by such facilities."

On page 6, section 9, line 5 of the engrossed substitute bill after "of any" strike "Class AA or Class A county or any first class city of 100,000 population or more" and insert "county or any city",

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 Substitute Senate Bill No. 446.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 446, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Durkan, Elicker, Greive, Murray, Newschwander, Stortini—6.

Excused: Senator Gardner—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 446, 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 7, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 109, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 5, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 109, providing for modifiable basic school building plans, have had the same under consideration, and we recommend that Engrossed Substitute Senate Bill No. 109 do pass with the following amendments:

Amend the House Committee amendment as follows:

On page 2, section 2, line 8 of the House Committee amendment, after "mechanical" and before "contractor)" on line 9, insert "engineer), three contractors, (one mechanical, one electrical and one general"

On page 2, line 9 of the amendment, after the comma strike "and one representative" and insert "two manufacturers and two representatives".

Signed by: Senators Washington, McDougall and Gardner; Representatives Smythe, Bagnariol and Hatfield.

## MOTION

On motion of Senator Washington, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 109 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 109 as amended by the Free Conference Committee and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Donohue, Durkan, Greive, Newschwander—4.

Excused: Senator Gardner—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 109, 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 7, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 168, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 168, permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available, have had the same under consideration, and we recommend that Engrossed Senate Bill No. 168 be amended as follows:

Beginning in line 3 of the title, after "as" and before "and" in line 4, strike "amended by section 25, chapter 119, Laws of 1969 ex. sess." and insert "last amended by section 38, chapter 48, Laws of 1971"

On line 8 of the title after "RCW" insert "; amending section 28A.58.530, chapter 223, Laws of 1969 ex. sess. as amended by section 142, chapter 1176, Laws of 1969 ex. sess. and RCW 28A.58.530; and declaring an emergency"

Beginning on page 1, line 23 of the engrossed bill, strike all of section 2 and insert the following:

"Sec. 2. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 38, chapter 48, Laws of 1971 and RCW 28A.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment or appropriations yet to be made by the legislature for the support of the common schools shall be adopted tentatively subject to revision: PROVIDED FURTHER, That in all second and third class districts five copies of said preliminary budget shall be forwarded to the intermediate school district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the intermediate school district superintendent, a member of the local board of directors, a member of the intermediate school district board of education, and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review committee in second and third class districts be filed with the intermediate school district superintendent, the state superintendent of public instruction, and the county auditor."

On page 3, line 28 of the engrossed bill, strike "wilful" and insert "done knowingly"

On page 3, line 29 of the engrossed bill, strike "knowingly" and after "such" strike "wilful"

On page 4, line 2 of the engrossed bill, insert two sections as follows:

"Sec. 4. Section 28A.58.530, chapter 223, Laws of 1969, ex. sess. as amended by section 142, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.530 are each amended to read as follows:

For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and intermediate school districts [superintendents] may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and intermediate school superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations

**NEW SECTION.** Sec. 5. This 1971 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 Wilson, Stender and Odegaard; Representatives Hoggins, Bottiger and Kuehne.

#### MOTION

On motion of Senator Wilson, the report of the Free Conference Committee on Engrossed Senate Bill No. 168 was adopted.

There being no objection, further consideration of the Free Conference report was made a special order of business following the noon recess.

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

#### SENATE RESOLUTION: 1971-EX-77

By Senator Walgren:

WHEREAS, The population of this state is increasing at a rapid pace; and

WHEREAS, The increasing population is settling in areas of already high population density; and

WHEREAS, The Legislature finds that the existence of multiple governmental units in compact geographical areas leads to expensive duplication of essential services with resulting inefficiency; and

WHEREAS, The Legislature must have up-to-date information on the possibilities of city-town consolidation, city-county consolidation, and even county-county consolidation; and

WHEREAS, The nonhighway movement of people in and around metropolitan areas is of increasing importance to the Legislature and the people of this state; and

WHEREAS, The Legislature needs information on the concept of self-contained model cities developed in areas away from already congested population centers;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the interim municipal committee is requested to undertake studies of local government consolidation, movement of people in metropolitan centers and model cities.

BE IT FURTHER RESOLVED, That results and recommendations of such studies together with suggested legislation be presented to the forty-third regular session of the Legislature to be convened in January, 1973, or if available, any extraordinary session of the Legislature to be convened in January, 1972.

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

#### SENATE RESOLUTION: 1971-EX-78

By Senators Durkan and Francis:

WHEREAS, Testimony before the Senate Education Committee has expressed conflicting opinions as to whether principals, for purposes of professional negotiations in the common schools, should be included within the bargaining unit composed of other certificated personnel or whether principals should have the option of forming a separate bargaining unit; and

WHEREAS, The various education organizations have not had opportunity to explore the matter within their own organization and testimony has not been received from all parties to the negotiations process;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Joint Committee on Education be requested to conduct a study during the interim on the appropriate role of principals in the negotiations process in the common schools and report to a subsequent session of the Legislature an appropriate legislative remedy.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Executive Secretary of the Joint Committee on Education.

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

#### SENATE RESOLUTION: 1971-EX-79

By Senators Gissberg and Holman:

WHEREAS, The Legislature recognizes that there is a need for the simplification and clarification of the law concerning the affairs of decedents, missing persons, protected persons, minors, and incapacitated persons; and

WHEREAS, It further recognizes the importance of discovering and making effective the intent of a decedent in the distribution of his property; and

WHEREAS, The Legislature desires to promote a speedy and efficient system for liquidating the estate of the decedent and making distribution to his successors, and to minimize the need for formal administration in the case of small estates; and

WHEREAS, It further desires to facilitate the use and enforcement of certain trusts; and

WHEREAS, It also recognizes the value of making uniform the law on such subjects among the various jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby respectfully requests the Judicial Council to study the Uniform Probate Code, as presented to the 42nd Legislature in Senate Bill No. 313, and in particular Article III of the Code, and determine whether such legislation would accomplish the goals set forth in this resolution; and

BE IT FURTHER RESOLVED, That the Judicial Council is also requested to report its findings and recommendations concerning the Uniform Probate Code to the 43rd session of the Legislature, and, giving particular attention to Article III thereof, to render a preliminary report to the 1972 extraordinary session, if such session is convened.

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

#### SENATE RESOLUTION: 1971-EX-80

By Senators Odegaard, Donohue, Henry, Matson, Jolly, Gissberg, Day, Stortini, Guess, Lewis, Newschwander and Wilson:

WHEREAS, The Legislature has in recent sessions enacted a substantial number of bills containing programs designed to protect and conserve the natural resources of our State and enhance the quality of the environment; and

WHEREAS, The Legislature recognizes that in the implementation of these programs the conduct of certain activities would have to be modified and in some cases eliminated, and that in such transition period of adjustment the administrators of these programs must exercise a great amount of common sense and rely on equitable considerations to insure, so far as reasonably possible, that no undue hardships result; and

WHEREAS, Regional and local air pollution control authorities have been granted substantial powers under one of the aforesaid bills to control the degradation of the quality of the air; and

WHEREAS, It is the feeling of the Washington State Senate that various of these authorities have implemented their programs in manners which are not uniform, and that further, these authorities have not always established their priorities in a satisfactory manner by taking aggressive action against those who introduce only minor amounts of pollutants into the air, such as those who engage in "backyard burning" and land clearing, while the same authorities have taken less aggressive positions against those who substantially degrade the quality of the air, such as those engaged in certain industrial and municipal activities; and

WHEREAS, These same programs are premature in that severe economic hardships are imposed upon land clearers and extreme inconvenience and frustrations upon individual residents, while reasonable and practical alternatives to traditional practices are not being provided by government, including the air pollution authorities;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the local and regional air authorities be requested to:

(1) Reexamine the priorities of their enforcement programs to insure that primary emphasis is placed on the serious problems in their regions;

(2) Alter, redraft and/or hold in abeyance for a later priority date, such regulations relating to backyard and land clearing burning; and

(3) In the course of such reexamination obtain the views and recommendations of the Department of Ecology as to priorities in such enforcement programs; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to each regional and local air pollution control authority, including each board member of said authority, and to the director of the Department of Ecology.

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

#### SENATE RESOLUTION: 1971-EX-81

By Senators Washington, Henry, Bailey, Lewis, Connor, McDougall, Donohue, Mardesich, Matson, Elicker, Murray, Foley, Peterson (Lowell), Herr, Scott, Huntley, Walgren and Whetzel.

WHEREAS, The Legislature has studied the advisability of revising the practice of restricting highway user tax revenues for highway purposes as established by the 18th amendment to the Washington State Constitution; and

WHEREAS, The Senate Transportation Committee held extensive hearings on Senate Joint Resolution No. 17, which would have permitted the tax to be used by a public agency for any bona fide public transportation purpose that would help answer the needs of congested urban areas for improved transportation facilities, while at the same time protecting the interests of non-urban areas in retaining an effective highway program; and

WHEREAS, The Senate Transportation Committee believes that so long as the major needs of a statewide arterial highway network are safeguarded it is possible for a portion of the locally collected highway user revenues to be used for public transportation purposes at the option of the local agency without serious impact on the orderly and continuing development of the statewide arterial highway network; and

WHEREAS, The Joint Committee on Highways is the permanent legislative interim committee charged with a continuing overview of all aspects of a statewide balanced transportation system, and has the capability for suggesting appropriate statutory provisions required to identify highway user revenues collected on a county or city basis;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby requests the Joint Committee on Highways to examine the basic concept contained in Senate Joint Resolution No. 17, along with variations thereto as proposed in the first extraordinary session of the Forty-second Legislature, and report its recommendations back to the 1972 Legislature; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Joint Committee on Highways.

On motion of Senator Peterson (Ted), the following resolution was adopted:

#### SENATE RESOLUTION: 1971-EX-82

By Senators Peterson (Lowell), Talley, Peterson (Ted), Bailey and Metcalf:

WHEREAS, Our sister state of Oregon is vitally concerned with protecting her steelhead trout resources; and

WHEREAS, We, in Washington, share the same concern; and

WHEREAS, The laws of Washington and Oregon are in conflict in the matter of sport and net fishing for steelhead trout on our common border, the Columbia River; and

WHEREAS, It is in the best interest of the two states and the population of each state to resolve such differences as soon as possible;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee

on Fisheries, Game and Gamefish is requested to undertake a study of the steelhead fishing laws of the states of Oregon and Washington.

BE IT FURTHER RESOLVED, That the committee cooperate with its counterpart in Oregon to seek corrective legislation on this matter.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature for its consideration, or if available, to any extraordinary session of the Legislature convened in 1972.

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

SENATE RESOLUTION: 1971-EX-83

By Senators Peterson (Lowell), Talley, Peterson (Ted), Bailey and Metcalf:

WHEREAS, It has been long recognized that the availability of salmon in the waters of this state constitutes one of our most valuable natural resources; and

WHEREAS, The preservation of salmon is necessary for the protection of the general welfare of the citizens of this state; and

WHEREAS, Recent years have seen great numbers of commercial salmon fishermen come to fish our waters, not only from our sister states, but from other countries as well; and

WHEREAS, It is apparent that the Legislature needs to pass legislation to establish a fair, equitable, and lawful means of limiting the number of commercial salmon fishing licenses issued for use in our territorial waters;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee on Fisheries, Game and Gamefish is requested to undertake a study of the possibilities of limiting the number of commercial salmon fishing licenses issued for use in the territorial waters of Washington.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature for its consideration, or if available, to any extraordinary session of the Legislature convened in January, 1972.

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

SENATE RESOLUTION: 1971-EX-84

By Senator Gissberg:

WHEREAS, The State presently shares the receipts from leases of state-owned tidelands, harbor areas and waterways with port districts and other local government agencies in which the leased lands are located; and

WHEREAS, The amount of revenue produced by these leases will tend to increase as these leases and the subject lands are reassessed by the Department of Natural Resources pursuant to RCW 79.01.520; and

WHEREAS, Certain statutory or constitutional questions exist relative to the statutes governing disposition of funds or other considerations arising from the lease, sale or other disposition of state lands in fresh and saltwater harbor areas; and

WHEREAS, Laws enacted over a long span of years relating to the management, lease and disposition of state tidelands and shorelands in harbor areas and other areas may be inconsistent with current or future public or state needs;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Legislative Council to study the laws governing the management and disposition of state-owned beds, tidelands, shorelands, harbor areas and waterways.

BE IT FURTHER RESOLVED, That the Legislative Council is requested to report any findings, conclusions, and recommendations together with any proposed legislation to the members of the Legislature prior to the next Regular Legislative Session.

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

SENATE RESOLUTION: 1971-EX-85

By Senators Gissberg and Wilson:

WHEREAS, The development of private camping clubs by groups who desire to establish camping locations on private lands in the State of Washington is enjoying ever-increasing popularity; and

WHEREAS, Some camping clubs are not following the platting laws of the State of Washington, under the device of granting a permit to occupy certain camping space; and

WHEREAS, There have been instances where the promoters of camping clubs have not fulfilled their promises and representations as to improvements to be constructed on the site for the benefit of purchasers of the camp site; and

WHEREAS, It is in the public interest for the State of Washington to establish standards for the regulation and location of camping clubs; and

WHEREAS, The Legislature desires to examine the qualifications of camping clubs for the purpose of developing guidelines and regulations which are consistent with the maintenance of camping clubs at appropriate locations with regard to maintaining the highest and best standards for environmental and natural beauty;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, That an appropriate committee of the Legislative Council be requested to conduct a study of the entire subject of private camping clubs; and

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature in January, 1973.

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

#### SENATE RESOLUTION: 1971-EX-86

By Senators Woodall, Cooney, Twigg and Greive:

WHEREAS, The Citizens Advisory Committee for the Revision of the Criminal Code has greatly aided the Legislature in the drafting of a proposed Revised Criminal Code; and

WHEREAS, The Citizens Advisory Committee for the Revision of the Criminal Code has devoted much time and effort during this last interim in carrying out its role of advising the Legislative Council's Judiciary Committee as to the inclusion of section drafts in the proposed Revised Criminal Code; and

WHEREAS, The expertise of the Citizens Advisory Committee was of immeasurable value to the Legislative Council's Criminal Code; and

WHEREAS, The completion of the Legislative Council's Criminal Code Revision Project is in significant part attributable to the invaluable work of said Citizens Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the members of said Citizens Advisory Committee be commended for their diligence and insight and for their contribution to the betterment of the criminal law of the State of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the members of said Citizens Advisory Committee, who are: Robert E. Schillberg, Chairman; William Bennett; John M. Darrah; Major Anton C. Gustin; Judge Blaine Hopp, Jr.; Eric W. Johnson; Jocelyn H. Marchisio; Edward J. Smith; and Judge Charles M. Stokes.

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

#### SENATE RESOLUTION: 1971-EX-87

By Senators Woodall, Cooney, Twigg and Greive:

WHEREAS, The Legislative Council, since 1967, has been engaged in a project to revise the state's criminal code; and

WHEREAS, The Legislative Council has completed the drafting of a proposed revised criminal code, but has had limited opportunity to hold hearings on the code and to acquaint the people of the state of Washington with its many important provisions; and

WHEREAS, Since the drafting of the Legislative Council's proposed revised criminal code, the United States Supreme Court has made some profound changes in the area of criminal law;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Legislative Council is requested (1) to re-examine its proposed revised criminal code in light of recent cases of the United States Supreme Court decided since the drafting of the code, and (2) to conduct hearings throughout the state on the proposed revised criminal code in order to publicize the many important provisions of the code and in order to invite comments thereon from members of the public.

BE IT FURTHER RESOLVED, That the Legislative Council report the results of its study and any recommendations arising therefrom to the next regular session of the legislature, or to an earlier special session of the legislature if one is called and if, by such time, the Legislative Council has completed the study.

#### MOTION

On motion of Senator Guess, Engrossed House Bill No. 659 was ordered placed on the second reading calendar for today immediately following Engrossed House Bill No. 373.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1123, by Representatives Gallagher, Martinis, Adams, Kilbury, Jastad, Brouillet, Berentson, Haussler, Jueling and Marzano:

Exempting nonprofit blood banks from property taxes.



The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Engrossed House Bill No. 1123 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 McDougall, Senators Andersen and Newschwander were excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1123, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Dore, Elicker, Foley, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Voting nay: Senators Durkan, Francis-2.

Absent or not voting: Senators Day, Fleming, Matson-3.

Excused: Senator Gardner-1.

ENGROSSED HOUSE BILL NO. 1123, having received the constitutional 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 Holman, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 7, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 183, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 183, requiring a claim for mechanics' and materialmen's liens to contain the address of claimant, have had the same under consideration, and we recommend that Engrossed Senate Bill No. 183 as amended by your Conference Committee in the form attached hereto be adopted and approved.

"An Act relating to liens; amending section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010; amending section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040; amending section 5, chapter 24, Laws of 1893 as last amended by section 5, chapter 279, Laws of 1959, and RCW 60.04.060; and declaring an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 5, chapter 24, Laws of 1893 as last amended by section 5, chapter 279, Laws of 1959, and RCW 60.04.060 are each amended to read as follows:

No lien created by this chapter shall exist, and no action to enforce the same shall be maintained, unless 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, 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 person who performed the labor, furnished the material, or supplied the equipment, the name of the person by whom the laborer was employed (if known) or to whom the material was furnished, or equipment supplied, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, and if not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the claim to be just; in case the claim shall have been assigned the name of the assignee shall be stated; 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 interests of third parties shall not be affected by such amendment. *A claim of lien shall also state the address of the claimant.* A claim for lien substantially in the following form shall be sufficient:

....., claimant, vs. ....  
 Notice is hereby given that on the .....day (date of commencement of performing labor or furnishing material or supplying equipment) .....at the request of .....commenced to perform labor (or to furnish material or supply equipment to be used) upon .....(here describe property subject to the lien) of which property the owner, or reputed owner, is .....(or if the owner or reputed owner is not known, insert the word "unknown"), the performance of which labor (or the furnishing of which material or supply of which equipment) ceased on the .....day of .....; that said labor performed (or material furnished or equipment supplied) was of the value of .....dollars, for which labor (or material) (or equipment) the undersigned claims a lien upon the property herein described for the sum of .....dollars. (In case the claim has been assigned, add the words "and .....is assignee of said claim", or claims, if several are united.)

.....Claimant.  
 .....  
 .....  
 (Address, city, and state of claimant)

STATE OF WASHINGTON, COUNTY OF .....SS.  
 ....., being sworn, says: I am the claimant (or attorney of the claimant) above named; I have heard the foregoing claim read and know the contents thereof, and believe the same to be just.

Subscribed and sworn to before me this ..... day of .....

Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated: PROVIDED, It shall not be necessary to insert in the notice of claim of lien provided for by this chapter any itemized statement or bill of particulars of such claim.

Sec. 2. Section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010 are each amended to read as follows:

Every person performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed, material furnished, or equipment supplied by each, respectively, whether performed, furnished, or supplied at the instance of the owner of the property subject to the lien or his agent; and every registered or licensed contractor, registered or licensed subcontractor, architect, [builder] or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: PROVIDED, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall 'ake from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, materialmen, and equipment suppliers, and persons who supply such contractors with provisions, all just dues to such person or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor. *Contractors or subcontractors required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW shall be deemed the agents of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW covering the period when the work or material shall be furnished,*

*and lien rights shall not be lost by suspension or revocation of registration or license without their knowledge.*

Sec. 3. Section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040 are each amended to read as follows:

Any person who, at the request of the owner of any real property, or his agent, [contractor or subcontractor,] clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, or his agents, [contractor, or subcontractor,] rents, leases, or otherwise supplies equipment, or furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, has a lien upon such real property for the labor performed, the materials furnished, or the equipment supplied for such purposes.

NEW SECTION. Sec. 4. This 1971 amendatory act shall take effect on January 1, 1972."

Signed by: Senators Gissberg, Holman and Francis; Representatives Kuehnle, Julin and Knowles.

#### MOTION

On motion of Senator Holman, the report of the Free Conference Committee on Engrossed Senate Bill No. 183 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 183 as amended by the Free Conference Committee and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Durkan, Matson—2.

Excused: Senator Gardner—1.

ENGROSSED SENATE BILL NO. 183, 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.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 124,  
SENATE BILL NO. 231,  
SENATE BILL NO. 233,  
SUBSTITUTE SENATE BILL NO. 354,  
SENATE BILL NO. 373,  
SENATE BILL NO. 512,  
SUBSTITUTE SENATE BILL NO. 849.

#### MOTION

At 10:45 a.m., on motion of Senator Atwood, the Senate recessed until 12:05 p.m.

#### NOON SESSION

The President called the Senate to order at 12:05 p.m.

## SECOND READING

ENGROSSED HOUSE BILL NO. 90, by Representatives Brouillet, Hoggins, Chatalas, Kirk, Merrill, Lynch, Grant, Conner, Thompson, Marsh, Backstrom, Bagnariol, Bauer, Beck, Ceccarelli, Charnley, Douthwaite, Farr, Gallagher, King, Luders, Martinis, Marzano, Mentor, McCormick, O'Brien, Paris, Rosellini, Williams, Wojahn and Litchman (by Joint Committee on Education, executive and Superintendent of Public Instruction request):

Relating to educational opportunities for all handicapped children.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 90 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: "Would Senator Dore yield to a question? Can you give me the impact, say over five years, what this will do to the budget?"

Senator Dore: "It is in the budget, it is programmed in the budget for five million dollars in the handicapped children program. There is an item of five million dollars in order to carry out the purpose of this act."

Senator Newschwander: "How about five years?"

Senator Dore: "I assume if it is five million for two years, then it would be an impact of twelve and one-half million over five years."

## POINT OF INQUIRY

Senator Wilson: "Would Senator Dore yield please? Senator, will the additional obligations involved in House Bill No. 90 be entirely funded by this five million dollars in the state budget?"

Senator Dore: "That is the only money provided for that. It is directly in the handicapped children's appropriation of some, I think it is forty-seven million, and five million of that is for this program."

Senator Wilson: "Then the local districts are not going to have to try to find partial funding for this program within the scope of their present allocations?"

Senator Dore: "They might want to expand the program; that would be up to the school board."

Senator Wilson: "They would or would not be obligated to add more?"

Senator Dore: "No. It is my understanding of the makeup of the budget, and I got this from the budget director, is that the estimated cost of implementing this program is five million dollars and we have the five million dollars in the budget to take care of the number of people that he estimated would be eligible for the program."

"There has been a lot of misunderstanding about it and a lot of large figures kicked around but that is my best knowledge and understanding and that is the recommendation and the information received from the budget director."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 90, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Voting nay: Senators Atwood, Newschwander—2.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Gardner—1.

ENGROSSED HOUSE BILL NO. 90, having received the 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. 140, by Representatives Shinpoch, Lynch, Grant, Maxie, Charnley, Bauer, Knowles, Litchman and Merrill:

Prohibiting cancellation of insurance because of sex and/or marital status.

The time having arrived, the Senate commenced consideration of Engrossed House Bill No. 140.

The bill was read the second time by sections.

Senator Fleming moved adoption of the following amendments by Senators Fleming, Gardner and Mardesich:

Following section 2 add new sections as follows:

**"NEW SECTION. Sec. 3. PURPOSE.** The purpose of sections 3 through 20 of this act is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming insolvent to residents of this state and, in the case of domestic insurers, to residents of other jurisdictions as well; and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in sections 3 through 20 of this act described is deemed essential for the protection of the general welfare.

**NEW SECTION. Sec. 4. SCOPE, PERSONAL INSURANCES.** Sections 3 through 20 of this act shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers, other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee.

(2) To all such policies and contracts of a foreign or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of and domiciled within this state. With respect to group policies or group contracts of such foreign or alien insurers, sections 3 through 20 of this act shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer.

(3) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after the effective date of sections 3 through 20 of this act.

(4) The obligations of the association created under sections 3 through 20 this act shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation; except, that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars.

(5) Sections 3 through 20 of this act shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance.

**NEW SECTION. Sec. 5. DEFINITIONS.** Within the meaning of sections 3 through 20 of this act:

(1) "Association" means "the Washington life and disability insurance guaranty association".

(2) "Board" means the board of directors of the Washington life and disability insurance guaranty association.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) "Liquidating insurer" means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.

(6) "Fund" means a guaranty fund provided for in section 10 of this act.

(7) "Account" means any one of the three guaranty fund accounts created under section 10(1) of this act.

(8) "Assessment" means a charge made upon an insurer by the board under sections 3 through 20 of this act for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) "Contributor" means an insurer which has paid an assessment.

(10) "Certificate" means a certificate of contribution provided for in section 11 of this act.

**NEW SECTION. Sec. 6. GUARANTY ASSOCIATION CREATED.** (1) There is hereby created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association, which shall be composed of the commissioner, ex officio, and of each insurer authorized to transact life insurance, or disability insurance, or annuity business in this state. All such insurers shall be and remain members of the association during the continuance of, and as a condition to, their authority to transact such business in this state.

(2) The association shall be managed by a board of directors composed of the commissioner, ex officio, and of not less than five nor more than nine member insurers, each of whom shall initially be appointed by the commissioner to serve for terms of one, two, or three years. After the initial board is appointed, the board shall provide in its bylaws for selection of board members by member insurers subject to the commissioner's approval; members so selected shall serve for three year terms, acceding to office upon expiration of the terms of the respective initial board members; and board members shall thereafter serve for three year terms and shall continue in office until their respective successors be selected, approved, and have qualified. At least a majority of the members of the board shall be domestic insurers. In case of a vacancy for any reason on the initial board appointed, the commissioner shall appoint a member insurer to fill the unexpired term; vacancies on the board thereafter shall be filled in the same manner as in the original selection and approval. Board members may be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

(3) A director, officer, employee, agent or other representative of the association or of a member insurer, or the commissioner or his representative shall in no event be individually liable to any person, including the association, for any act or omission to act, or for any liability incurred or assumed, on behalf of the association or by virtue thereof, any such liability so incurred or assumed to be collectible only out of a fund; nor shall any insurer member of the association be subject to any liability except for assessment as in sections 3 through 20 of this act provided.

(4) The association shall be under the immediate supervision of the commissioner and shall be subject to such provisions of the insurance code of the state of Washington as may be applicable and not inconsistent with the provisions of sections 3 through 20 of this act.

(5) The board may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

**NEW SECTION. Sec. 7. POWERS OF THE ASSOCIATION.** The association shall have the power:

(1) To use a seal, to contract, to sue and be sued and, in addition, possess and exercise all powers necessary or convenient for the purposes of sections 3 through 20 of this act.

(2) With the approval of the commissioner and as provided in section 8 of this act, to assume, reinsure or guarantee or cause to be assumed, reinsured, or guaranteed, partially or wholly, any or all of the policies or contracts of any liquidating domestic life or disability insurer or any policy or contract to which sections 3 through 20 of this act applies, and to make available from a fund, the creation of which is hereinafter in section 10 of this act provided, such sum or sums as may be necessary for such purpose.

(3) To carry out the provisions of this section, the association shall have, and may exercise, all necessary rights, powers, privileges, and franchises of a domestic insurer, except that it shall not be authorized to issue contracts or policies unless such contracts or policies are pursuant to contracts and policies representing obligations in whole or in part of the liquidating insurer or of the association.

(4) To borrow money for the purposes of the fund, either with or without security, and pledge such assets in a fund as security for such loans, and in connection therewith, rehypothecate any securities or collateral pledged to it by an insurer. Any notes or other evidence of indebtedness of the association shall be legal investments for domestic insurers and may be carried as admitted assets.

(5) To collect or enforce by legal proceedings, if necessary, the payment of all assessments for which any insurer may be liable under sections 3 through 20 of this act; and to collect any other debt or obligation due to the association or a fund created in sections 3 through 20 of this act.

(6) To make bylaws and regulations for the conduct of the affairs of the association, not inconsistent with sections 3 through 20 of this act.

**NEW SECTION. Sec. 8. REINSURANCE, GUARANTY OF POLICIES, CONTRACTS.**

(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).

(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 sections 3 through 20 of this act 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 sections 3 through 20 of this act.

(6) For the purpose of carrying out its obligations under sections 3 through 20 of this act, 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 sections 3 through 20 of this act. 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.

**NEW SECTION. Sec. 9. DUPLICATION OF BENEFITS PROHIBITED.** Whenever a guaranty or payment of proceeds or benefits of a policy or contract otherwise provided for under sections 3 through 20 of this act is also provided for by a similar law of another jurisdiction, there shall be only one recovery of values or benefits, and the association or their entity established by such law in the domiciliary jurisdiction or state of entry of the liquidating insurer shall be solely responsible for such guaranty and payment.

**NEW SECTION. Sec. 10. GUARANTY FUNDS.** (1) For purposes of administration and assessment, the association shall establish and maintain three guaranty fund accounts: (a) the life insurance account; (b) the disability insurance account; and (c) the annuity account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due.

(3) (a) The amount of any assessment for each account shall be determined by the board, and shall be divided among the accounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of sections 3 through 20 of this act; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account.

(5) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (4) of this section, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by sections 3 through 20 of this act.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which sections 3 through 20 of this act applies, less return premiums and considerations and less dividends paid or credited to policy-holders.

(8) Upon dissolution of a fund by the repeal of sections 3 through 20 of this act or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

**NEW SECTION. Sec. 11. CERTIFICATES OF CONTRIBUTION; ALLOWANCE AS ASSET.** (1) The association shall issue to each insurer paying an assessment under sections 3 through 20 of this act certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

- 100% for the calendar year of issuance;
- 80% for the first calendar year after the year of issuance;
- 60% for the second calendar year after the year of issuance;
- 40% for the third calendar year after the year of issuance;
- 20% for the fourth calendar year after the year of issuance; and
- 0% for the fifth and subsequent calendar years after the year of issuance.

(3) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

**NEW SECTION. Sec. 12. TAXATION.** (1) The association shall be exempt from premium tax. Any domestic insurer whose policies or contracts have been assumed, reinsured, or guaranteed by the association under sections 3 through 20 of this act shall remain liable for premium taxes on all premiums received on policies and contracts issued by it, but payment of such taxes shall be suspended. Payment of or on account of such taxes shall be made under such terms and conditions as the commissioner may prescribe. No distribution to stockholders, if any, of the liquidating insurer shall be made unless all premium taxes, the payment of which has been suspended hereunder, have been fully paid.

(2) The association shall be exempt from all taxes and fees now or hereafter imposed by the state of Washington or by any county, municipality, or local authority or subdivision; except that any real property owned by the association shall be subject to taxation to the same extent according to its value as other real property is taxed.

(3) Assessments made upon domestic insurers pursuant to a law of another jurisdiction similar to sections 3 through 20 of this act, shall be excluded from the application of RCW 48.14.040 (retaliatory provision).

**NEW SECTION. Sec. 13. PROHIBITED USE OF ACT.** No person shall make use in any manner of the protection afforded under sections 3 through 20 of this act in the solicitation of insurance or annuity business.

**NEW SECTION. Sec. 14. RECAPTURE OF EXCESSIVE DIVIDENDS TO AFFILIATES.** (1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed or existing under such order shall have a right to recover, and upon request of the board or without such request shall take such action as he deems advisable to recover, on behalf of the insurer from any affiliate that controlled it the amount of distributions, other than stock dividends paid by the insurer on its capital stock, at any time during the five years preceding the petition for liquidation or rehabilitation of the insurer subject to the limitations of subsections (2) through (4) of this section.

(2) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate in control of the insurer at the time a distribution was paid shall be liable up to the amount of distribution he received. Any person who was an affiliate in control of the insurer at the time a distribution was declared shall be liable up to the amount of distribution he would have received if it had been paid immediately. If two persons are liable with respect to the same distribution they shall be jointly and severally liable.



(4) The maximum amount recoverable by the receiver under this section shall be the amount needed in excess of all other available assets to pay the contractual obligations of the insurer.

(5) If any person liable under subsection (3) of this section is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

**NEW SECTION.** Sec. 15. **SHORT TITLE.** Sections 3 through 20 of this 1971 act shall be known and may be cited as the Washington Life and Disability Insurance Guaranty Association Act.

**NEW SECTION.** Sec. 16. **CONSTRUCTION.** Sections 3 through 20 of this 1971 act shall be liberally construed to effect the purpose stated in section 3 of this act, which shall constitute an aid and guide to interpretation.

**NEW SECTION.** Sec. 17. **SECTION HEADINGS NOT PART OF LAW.** Section headings in sections 3 through 20 of this act do not constitute any part of the law.

**NEW SECTION.** Sec. 18. **NEW CHAPTER.** Sections 3 through 16 of this act shall be added to Title 48 RCW as a new chapter thereof.

**NEW SECTION.** Sec. 19. **EMERGENCY.** Sections 3 through 41 of this 1971 act are 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.

**NEW SECTION.** Sec. 20. **SEVERABILITY.** If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment has been rendered.

**NEW SECTION.** Sec. 21. **PURPOSE.** The purpose of this chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

**NEW SECTION.** Sec. 22. **SCOPE.** This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

**NEW SECTION.** Sec. 23. **DEFINITIONS.** As used in this chapter:

(1) "Account" means any one of the three accounts created in section 24 of this 1971 act.

(2) "Association" means the Washington Insurance Guaranty Association created in section 24 of this 1971 act.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Covered claim" means an unpaid claim, including one for unearned premiums, which arises out of or is within the coverage of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the first day of April, 1971 and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(5) "Insolvent insurer" means an insurer (a) authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent by a court of competent jurisdiction, and which adjudication was subsequent to the first day of April, 1971.

(6) "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under section 22 of this 1971 act, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in this state.

(7) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership, association, or voluntary organization.

**NEW SECTION.** Sec. 24. **CREATION OF THE ASSOCIATION.** There is hereby created a nonprofit unincorporated legal entity to be known as the Washington Insurance Guaranty Association. All insurers defined as member insurers in section 23 (6) of this 1971 act shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under section 27 of this 1971 act and shall exercise its powers through a board of directors established under section 25 hereof. For purposes of administration and assessment, the association shall be divided into three separate accounts: (1) The workmen's compensation insurance account; (2) the automobile insurance account; and (3) the account for all other insurance to which this chapter applies.

**NEW SECTION.** Sec. 25. **BOARD OF DIRECTORS.** (1) The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled

for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this chapter, the commissioner may appoint the initial members of the board of directors.

(2) In approving selections to the board, the commissioner shall consider among other things whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

**NEW SECTION. Sec. 26. POWERS AND DUTIES OF THE ASSOCIATION.**

(1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or on request effects cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of applicable deductible provisions of the policy and is less than three hundred thousand dollars, except that the association shall pay the full amount of unearned premiums or any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to a policy holder or claimant in an amount in excess of the face amount of the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the three accounts enumerated in section 24 of this 1971 act separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under subsection (1) (a) above subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 31 of this 1971 act, and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than two percent of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims.

(e) Notify such persons as the commissioner directs under section 28 (2) (a) of this 1971 act.

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.

(2) The association may:

(a) Appear in, defend, and appeal any action on a claim brought against the association.

(b) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(c) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.

(d) Sue or be sued.

(e) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.

(f) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

(g) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

**NEW SECTION. Sec. 27. PLAN OF OPERATION.** (1) (a) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.

(b) If the association fails to submit a suitable plan of operation within ninety days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall:

(a) Establish the procedures whereby all the powers and duties of the association under section 26 of this 1971 act will be performed.

(b) Establish procedures for handling assets of the association.

(c) Establish the amount and method of reimbursing members of the board of directors under section 25 of this 1971 act.

(d) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another state by the receiver or liquidator.

(e) Establish regular places and times for meetings of the board of directors.

(f) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.

(g) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within thirty days after the action or decision.

(h) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner.

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under section 26, subsections (1) (c) and (2) (c), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

**NEW SECTION. Sec. 28. DUTIES AND POWERS OF THE COMMISSIONER.**

(1) The commissioner shall:

(a) Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency.

(b) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

(2) The commissioner may:

(a) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication or in a newspaper of general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(3) Any final action or order of the commissioner under this chapter shall be subject to judicial review in a court of competent jurisdiction.

**NEW SECTION. Sec. 29. EFFECT OF PAID CLAIMS.** (1) Any person recovering under this chapter shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this chapter shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out.

(2) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in

another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this chapter against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

(3) The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the right of the association against the assets of the insolvent insurer.

**NEW SECTION. Sec. 30. NONDUPLICATION OF RECOVERY.** (1) Any person having a claim against his insurer under any provision in his insurance policy which is also a covered claim shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of such recovery under the claimant's insurance policy.

(2) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, from the association of the location of the property, and if it is a workmen's compensation claim, from the association of the residence of the claimant. Any recovery under this chapter shall be reduced by the amount of the recovery from any other insurance guaranty association or its equivalent.

**NEW SECTION. Sec. 31. PREVENTION OF INSOLVENCIES.** To aid in the detection and prevention of insurer insolvencies:

(1) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.

(2) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty days of the receipt of such request, the commissioner shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with subsection (3) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(3) It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.

(4) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(6) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

**NEW SECTION. Sec. 32. EXAMINATION OF THE ASSOCIATION.** The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 30th of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

**NEW SECTION. Sec. 33. TAX EXEMPTION.** The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

**NEW SECTION. Sec. 34. RECOGNITION OF ASSESSMENTS IN RATES.** The rates and premiums charged for insurance policies to which this chapter applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

**NEW SECTION. Sec. 35. IMMUNITY.** There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this chapter.

**NEW SECTION. Sec. 36. STAY OF PROCEEDINGS.** All proceedings in which the insolvent insurer is a party in any court in this state shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action.

**NEW SECTION. Sec. 37. TERMINATION, DISTRIBUTION OF FUND.** (1) The commissioner shall by order terminate the operation of the Washington insurers insolvency

pool as to any kind of insurance afforded by property or casualty insurance policies with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which:

(a) Is a permanent plan which is adequately funded or for which adequate funding is provided; and

(b) Extends, or will extend to state policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents than the protection and benefits provided with respect to such kind of insurance under this chapter.

(2) The commissioner shall by the same such order authorize discontinuance of future payments by insurers to the Washington insurers insolvency pool with respect to the same kinds of insurance: PROVIDED, That assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.

(3) In the event the operation of any account of the Washington insurers insolvency pool shall be so terminated as to all kinds of insurance otherwise within its scope, the pool as soon as possible thereafter shall distribute the balance of the moneys and assets remaining in said account (after discharge of the functions of the pool with respect to prior insurers insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in this state policies of the kinds of insurance covered by such account, and which had made payments into such account, pro rata upon the basis of the aggregate of such payments made by the respective insurers to such account during the period of five years next preceding the date of such order. Upon completion of such distribution with respect to all of the accounts specified in section 26 of this 1971 act, this chapter shall be deemed to have expired.

*NEW SECTION. Sec. 38. SHORT TITLE.* Sections 20 through 39 of this 1971 act shall be known and may be cited as the Washington Insurance Guaranty Association Act.

*NEW SECTION. Sec. 39. CONSTRUCTION.* Sections 20 through 39 of this 1971 act shall be liberally construed to effect the purpose under section 21 of this 1971 act which shall constitute an aid and guide to interpretation.

*NEW SECTION. Sec. 40. NEW CHAPTER.* Sections 21 through 39 of this 1971 act shall be added to Title 48 RCW as a new chapter thereof.

*NEW SECTION. Sec. 41. SECTION HEADINGS NOT PART OF LAW.* Section headings as used in sections 21 through 41 of this 1971 act do not constitute any part of the law."

In line 2 of the title after "RCW" and before the period insert "; and adding certain new sections to Title 48 RCW as two new chapters thereof; providing penalties; and declaring an emergency"

#### POINT OF ORDER

Senator Clarke: "I raise the question that the proposed amendment increases the scope and object of the bill contrary to our rules, and the Constitution. If you will read House Bill No. 140, you will see that it is a little fifteen line bill which deals solely with the prohibition against discrimination on the ground of sex in connection with the writing of automobile insurance whereas the proposed amendment is a very long amendment which is in substance Senate Bill Nos. 17 and 18, both of which have already passed this body and which Senate Bill No. 17 establishes a life insurance guaranty fund and Senate Bill No. 18 establishes a casualty insurance guaranty fund. Now while I know that sex covers a very wide field, I do not think it extends quite this far."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order raised by Senator Clarke, finds that Engrossed House Bill No. 140 is a measure which prohibits the cancellation of an automobile insurance policy if the basis for the cancellation is on either sex or marital status.

"The amendment proposed by the three Senators are proposals which set up the life insurance guaranty association and the insurance guaranty association. The amendment therefore does change the scope and object of the bill and the point presented by Senator Clarke is well taken."

#### MOTIONS

On motion of Senator Greive, Senator Sandison was excused to attend a Conference Committee meeting.

On motion of Senator Dore, Senator Dore was excused to attend a Conference Committee meeting.

The amendment proposed by Senators Fleming, Gardner and Mardesich was ruled out of order.

Senator Fleming moved adoption of the following amendments:

Add two new sections following section 2 as follows:

"NEW SECTION. Sec. 3. (1) This section shall apply to policies of insurance, other than automobile insurance and workmen's compensation insurance, on risks located or resident in this state which are issued and take effect or which are renewed after the effective date of this 1971 act and which insure any of the following contingencies:

(a) Loss of or damage to real property which is used predominantly for residential purposes, and which consists of not more than four dwelling units.

(b) Loss of or damage to personal property in which natural persons resident in specifically described real property of the kind described in subdivision (a) have an insurable interest, except personal property used in the conduct of a commercial or industrial enterprise.

(c) Legal liability of a natural person or persons for loss of, damage to, or injury to, persons or property, but not including policies primarily insuring risks arising from the conduct of a commercial or industrial enterprise.

This section shall not be construed so as to modify or negate any of the provisions of RCW 48.18.291 or 48.18.292, nor to destroy any rights or remedies therein provided.

(2) After such policy has been in effect for sixty days, or, if the policy is a renewal, effective immediately, no notice of cancellation shall be effective unless it is based on the occurrence, after the effective date of the policy, of one or more of the following:

(a) Nonpayment of premium, including nonpayment of any additional premiums, calculated in accordance with the current rating manual of the insurer, justified by a physical change in the insured property or a change in its occupancy or use.

(b) Conviction of the named insured of a crime having as one of its necessary elements an act increasing any hazard insured against.

(c) Discovery of fraud or material misrepresentation by either of the following:

(i) The insured or his representative in obtaining the insurance.

(ii) The named insured in pursuing a claim under the policy.

(d) Discovery of grossly negligent acts or omissions by the insured substantially increasing any of the hazards insured against.

(e) Physical changes in the insured property which result in the property becoming uninsurable.

(3) All notices of cancellation shall be in writing, mailed to the named insured at the address shown in the policy, and shall state (a) which of the grounds set forth in subsection (2) of this section is relied upon, and (b) that, upon written request of the named insured, the insurer shall furnish the facts on which the cancellation is based.

(4) Unless the insurer, at least forty-five days in advance of the end of the policy period, mails or delivers to the named insured at the address shown in the policy notice of its intention not to renew the policy or to condition its renewal upon reduction of limits or elimination of coverages, the insurer shall not fail to renew the policy upon payment of the premium due on the effective date of the renewal, in accordance with the then existing rating manual of the insurer. Any policy written for a term of less than one year shall be considered as if written for a term of one year. Any policy written for a term longer than one year, or any policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

(5) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer or its authorized representatives, agents, or employees, or any licensed insurance agent or broker, for any statement made, unless shown to have been made in bad faith with malice in fact, by any of them in (a) any written notice of cancellation or in any other oral or written communication specifying the reasons for cancellation, (b) any communication providing information pertaining to such cancellation, or (c) evidence submitted at any court proceeding or informal inquiry in which such cancellation is an issue.

(6) Proof of mailing of a notice of cancellation and the reasons therefor or of intention not to renew to the named insured at the address shown in the policy shall be sufficient proof of the notice required by this section.

NEW SECTION. Sec. 4. If any provision of this 1971 act, or its application to any person or circumstance if held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

In line 2 of the title after "RCW" and before the period insert "and creating a new section"

#### POINT OF ORDER

Senator Clarke: "Another point of order. I also raise the question of scope and object with respect to this particular amendment. While this amendment relates to cancellation, I will point out that House Bill No. 140 establishes a new section and is restricted entirely to casualty insurance, whereas the proposed amendment relates not to casualty insurance; it specifically excludes automobile insurance and provides for methods of cancellation, restricted methods of cancellation with respect to real property and certain liability insurance.

"Customarily, each of these are handled under completely different sections of the insurance code and on a question of scope and object, I submit that Engrossed House Bill No. 140 has a very narrow and limited scope which is specifically and only on the question

of discrimination based solely on sex or artificial marital status, whereas the other bill which relates to an entirely different type of insurance would have to do with an entirely different status in connection with cancellation."

#### RULING BY THE PRESIDENT

The President: "The President finds that the remarks, in essence, presented by Senator Clarke are correct inasmuch as Engrossed House Bill No. 140 does have an extremely limited scope and object and the amendment proposed by Senator Fleming does increase the scope and object of the measure."

The amendment by Senator Fleming was ruled out of order.

#### MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 140 was made a special order of business for 4:00 p.m. today.

#### SPECIAL ORDER OF BUSINESS

##### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, by Committee. on Transportation:

Providing for suspended sentences for driving while intoxicated.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 321 on second reading and amended on May 7, 1971.

Senator Metcalf moved adoption of the following amendment:

On page 1, section 1, line 16, strike the House amendment on lines 16-18.

Debate ensued.

#### POINT OF ORDER

Senator Bailey: "Mr. President, last night we had proceeded with all of the amendments and had adopted the title amendment and proceeded through the bill in order. I merely made a motion that it be held over at this stage of the game so we could look over the amendments. I just do not feel that any further amendments are in order at this time."

Senator Metcalf: "You feel that I am breaching faith with the Senate to offer this amendment, Senator Bailey?"

Senator Bailey: "Mr. President, I made no accusation that Senator Metcalf was breaching any faith. I just thought that the usual procedure was to proceed through a bill when we had adopted the title amendment, that that was the usual procedure. We usually do not go back and start adopting other sections of the bill again just because we give somebody twenty-four hours to think of a couple of new ones. I have no insinuation that Senator Metcalf is not moving in good faith. I just thought it was out of order and I may be mistaken."

#### RULING BY THE PRESIDENT

The President: "The status of the bill is as follows: The title had been read and an amendment to the title was pending. The bill is still on second reading and therefore an amendment would be in order."

Further debate ensued.

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

On motion of Senator Walgren, the following amendment to the title was adopted:

On page 1, line 3 of the title, after the semicolon and before "adding" insert "adding a new section to chapter 12, Laws of 1961 and to chapter 46.20 RCW; repealing section 46.20.390, chapter 12, Laws of 1961, section 32, chapter 32, Laws of 1967 and RCW 46.20.390."

On motion of Senator Woodall, the rules were suspended, Engrossed Substitute House Bill No. 321, 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.

## MOTION

On motion of Senator Atwood, Senators McDougall and Matson were excused to attend a Conference Committee meeting.

Further debate ensued.

## POINT OF ORDER

Senator Woodall: "When Senator Metcalf starts calling people personal interest groups he is not debating the merits of the bill."

## RULING BY THE PRESIDENT

The President: "Senator, would you please confine your remarks to the bill."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 321, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Donohue, Durkan, Fleming, Foley, Francis, Gissberg, Greive, Guess, Herr, Keefe, Lewis, McCutcheon, Mardesich, Matson, Peterson (Lowell), Ridder, Stortini, Twigg, Walgren, Woodall—26.

Voting nay: Senators Canfield, Day, Elicker, Henry, Holman, Huntley, Jolly, Knoblauch, McDougall, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Scott, Talley, Washington, Whetzel, Wilson—19.

Absent or not voting: Senator Stender—1.

Excused: Senators Dore, Gardner, Sandison—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 321, 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 Guess, Engrossed Substitute House Bill No. 321, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Greive, Engrossed Substitute House Bill No. 510 was made a special order of business at 3:00 p.m. today.

At 12:50 p.m., on motion of Senator Greive, the Senate recessed until 2:00 p.m.

## AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

## MOTION

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

## SPECIAL ORDER OF BUSINESS

The Senate resumed consideration of the Free Conference Report on Engrossed Senate Bill No. 168 which on motion of Senator Wilson was previously adopted.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 168 as amended by the Free Conference Committee and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 6; excused, 3.



Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Francis, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Foley, Herr, McCutcheon, Peterson (Lowell), Walgren, Washington—6.

Excused: Senators Dore, Gardner, Sandison—3.

ENGROSSED SENATE BILL NO. 168, 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.

## SECOND READING

ENGROSSED HOUSE BILL NO. 430, by Representatives Newhouse, Wojahn, Bottiger, Smythe, Chatalas, Backstrom and Haussler (by departmental request):

Providing for participation under the Economic Opportunity Act of state and local government.

The bill was read the second time by sections.

Senator Fleming moved adoption of the following amendment:

On page 3, after section 4 add new sections as follows:

"Sec. 5. Section 1, chapter 77, Laws of 1970 ex. sess. and RCW 35.21.660 are each amended to read as follows:

Notwithstanding any other provision of law, all cities shall have the power and authority to enter into agreements with the United States or any department or agency thereof, to carry out the purposes of the Demonstration Cities and Metropolitan Development Act of 1966 (PL 89-754; 80 Stat. 1255), and to plan, organize and administer programs provided for in such contracts. This power and authority shall include, but not be limited to, the power and authority to create public corporations, commissions and authorities to perform duties arising under and administer programs provided for in such contracts and to limit the liability of said public corporations, commissions, and authorities, in order to prevent recourse to such cities, their assets, or their credit.

**NEW SECTION.** Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

Any public corporation, commission or authority created as provided in section 5 hereof, may be empowered to own and sell real and personal property; to contract with individuals, associations and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds; to do anything a natural person may do; and to perform all manner and type of community services and activities in furtherance of an agreement by a city or by the public corporation, commission or authority with the United States to carry out the purposes of the Demonstration Cities and Metropolitan Development Act of 1966: PROVIDED, That

(1) All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority; and no creditor or other person shall have any recourse to the assets, credit or services of the municipal corporation creating the same on account of any debts, obligations or liabilities of such public corporation, commission or authority;

(2) Such public corporation, commission or authority shall have no power of eminent domain nor any power to levy taxes or special assessments;

(3) The name, the organization, the purposes and scope of activities, the powers and duties of the officers, and the disposition of property upon dissolution of such public corporation, commission or authority shall be set forth in its charter of incorporation or organization, or in a general ordinance of the city or both.

**NEW SECTION.** Sec. 7. This 1971 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."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Fleming yield? I have not followed your amendment in detail but it does not change any of the body of the rest of the bill in any way, does it?"

Senator Fleming: "No, it does not. Basically your bill, House Bill No. 430, authorizes the state's, cities and counties to participate directly in programs funded under OEO and this amendment here is trying to make the model cities and metropolitan demonstration act of 1966 be eligible to get these federal funds."

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

On motion of Senator Whetzel, the following amendment was adopted:

On page 3, section 4, line 9 of the engrossed and printed bills, following section 5 added by the Fleming amendment, add the following:

"Sec. 6. Section 35.81.010, chapter 7, Laws of 1965 and RCW 35.81.010 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

- (1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.
- (2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.
- (3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.
- (4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.
- (5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.
- (7) "Mayor" shall mean the chief executive of a city [or] , town, or class AA county.
- (8) "Municipality" shall mean any incorporated city [or] , town, or class AA county in the state.
- (9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.
- (10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.
- (11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.
- (12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.
- (13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.
- (14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.
- (15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan."

On motion of Senator Fleming, the following amendments to the title were adopted:

On page 1 strike the title amendment by the House Committee on Local Government

On page 1, line 1 of the printed bill, after "development;" and before "amending" insert "authorizing participation of the state and local governments in various federally-assisted social and economic development programs; amending section 1, chapter 77, Laws of 1970 ex. sess. and RCW 35.21.660"

On page 1, line 4 after "new" and before "to chapter" strike "section" and insert "sections"

On page 1, line 4 after "35.21 RCW;" and before "adding" strike "and"

On page 1, line 5, after "35A.11 RCW" and before the period insert "; and declaring an emergency"

On motion of Senator Whetzel, the following amendment to the title was adopted:

On page 1, line 6 of the title, after "RCW" and before the period insert "; amending section 35.81.010, chapter 7, Laws of 1965 and RCW 35.81.010"

On motion of Senator Woodall, the rules were suspended, Engrossed House Bill No. 430, 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. 430, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Dore—1.

ENGROSSED HOUSE BILL NO. 430, 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.

ENGROSSED HOUSE BILL NO. 346, by Representatives Copeland, Grant and Cunningham:

Implementing leave provisions for school district employees.

The bill was read the second time by sections.

Senator Canfield moved adoption of the following amendment:

Amend the Grant amendment to line 19, being line 20 of the engrossed bill, after "up to a maximum of" strike "one hundred and eighty" and insert "forty-five"

Debate ensued.

#### POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Ridder if it is a negligible bill and is of no importance, why does he want it?"

Senator Ridder: "You do not have—well, this I think is a rather intriguing point, I will buy that. I think a sense. . . ."

#### POINT OF ORDER

Senator Bailey: "I would like to make a point of order on a rule that we adopted on the person speaking once on each issue and also the fact that some of these questions are aimed at repeating argument and arguing for a bill.

"Now a question like Senator Guess asked is to ask a person to get up and argue for their bill. They have argued twice for the bill and I think that if we are going to enforce the rule that we should have some enforcement. If not, let us forget the whole thing and let us go down the drain fighting for one bill all afternoon and up until Monday night. I have not one to take out myself."

#### RULING BY THE PRESIDENT

The President: "Senator Ridder, Senator Bailey's point of order is well taken, namely that the rule invoked by the majority of the members will be enforced henceforth."

Senator Ridder: "However, I beg personal privilege."

#### REPLY BY THE PRESIDENT

The President: "Senator, the President does not believe that anything that has transpired is of a personal nature to you."

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

Senator Washington moved adoption of the following amendment:

On page 3, line 9, following section 1, add new sections to read as follows:

"Sec. 2. Section 28A.57.250, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.250 are each amended to read as follows:

For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, a joint school district shall be considered as belonging to the county in which the high school of said district or the county in which the high school with the largest enrollment at the time of its establishment, is situated, or in case no high school is operated by the district, to the county in which is situated the schoolhouse of the district or the school with the largest attendance, if there be more than one schoolhouse. If there is no schoolhouse in the joint district, said district shall then be considered as belonging to the county in which is located that part of the district having the largest number of children of school age residing therein: *PROVIDED, That if a joint school district was created by consolidation of two separate school districts, and if such joint school district is made up of parts of four separate counties, then the joint school district will be considered for the purposes of this section as belonging to the county with the highest classification.*

*NEW SECTION.* Sec. 3. This 1971 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."

#### POINT OF ORDER

Senator Guess: "The amendment offered by Senator Washington enlarges the scope and object of the bill. The bill before us has to do with the granting of an extension to the retirement and pension plan and the amendment that has been offered has to do with the creation of school districts and the consolidation thereof."

#### RULING BY THE PRESIDENT

The President: "The President wishes to point out that whereas the title of a bill is naturally of concern and is considered in rulings on scope and object of the bill, that the title of the bill does not necessarily determine the scope and object of a bill nor does the length or shortness of a bill determine the scope and object of a bill and as to whether or not an amendment changes the scope and object of a bill.

"The President believes that Engrossed House Bill No. 346 is a bill which would grant teachers the opportunity to retire one year earlier if they had not used up their maximum amount of sick leave, whereas Senator Washington's amendment does relate to a consolidation of school districts. Therefore this is unrelated to the bill and in the President's opinion, changes the scope and object of the bill."

The amendment by Senator Washington was ruled out of order.

Senator Durkan moved adoption of the following amendment:

Add a new section following section — as follows:

"*NEW SECTION.* Sec. — . There is added to chapter 223, Laws of 1969 ex. sess. and

to chapter 28A.02 RCW a new section to read as follows: In addition to other deductions permitted by law, any person authorized to disburse funds in payment of salaries or wages of employees of school districts, upon written request of the employee, may deduct each month from the salary or wage of the employee, membership dues or other association fee deductions, and any other deduction the employee shall request: PROVIDED, That such person shall be required to make any such deduction if ten percent or more of the certificated employees, or ten percent or more of the noncertificated employees, as the case may be, make such like request."

Renumber the remaining sections consecutively.

Senator Gissberg moved adoption of the following amendments to the amendment by Senator Durkan:

On line 7 of the Durkan amendment, strike "may" and insert "shall"

On line 8 of the Durkan amendment, after "deductions" insert a period and strike the balance of the amendment to and including "request."

Debate ensued.

#### POINT OF ORDER

Senator Atwood: "My point of order is that both the amendment and the amendments to the amendment enlarge the scope and object of the bill. I think it is clear that this deals with salary deductions. The bill itself, as Senator Ridder points out, deals with sick leave as a credit towards the last year and I think the opinion of the Chair on the prior amendment would also apply to this."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Atwood; believes that the remarks of Senator Atwood are essentially correct and that the amendment does indeed change the scope and object of the bill."

The amendment by Senator Durkan, and the amendments to the amendment by Senator Gissberg were ruled out of order.

On motion of Senator Durkan, the rules were suspended, Engrossed House Bill No. 346, 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 Huntley: "Since Senator Ridder is not allowed to speak again, would Senator Durkan yield? Senator, is there a fiscal note on this bill?"

Senator Durkan: "Senator Elicker made the point. The point simply is that the amount of money that is appropriated from the general fund to the teachers' retirement board, there could be a fiscal impact in the sense that more teachers would take advantage of the early retirement. I think in all honesty it would cost more. Obviously that is the reason why they want it, not because it is going to cost less."

Senator Huntley: "You really do not have a tag on it as to how much?"

Senator Durkan: "I had a fiscal note and I will try and get it for you, Senator Huntley."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 346, as amended by the Senate, and the bill passed by the following vote: Yeas, 39; nays, 8; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—39.

Voting nay: Senators Andersen, Atwood, Canfield, Guess, Lewis, Metcalf, Twigg, Woodall—8.

Absent or not voting: Senator Greive—1.

Excused: Senator Dore—1.

ENGROSSED HOUSE BILL NO. 346, 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.

HOUSE BILL NO. 759, by Representatives Wanamaker, Berentson and Bozarth:

Amending reporting and planning periods of urban arterial board.

The bill was read the second time by sections.

On motion of Senator Whetzel, the following amendment was adopted:

On page 2, line 31, add a new section to read as follows:

"NEW SECTION. Sec. 4. The proceeds of not to exceed one-eighths of one cent tax from the seven cents excise tax specified by RCW 82.36.020 to be distributed to the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100 shall be available to be credited to the urban arterial trust account created by RCW 47.26.080 if the five-eighths of one cent tax provided by RCW 82.36.020 for the urban arterial trust account is insufficient to meet bond retirement requirements for limited obligation bonds authorized by RCW 47.26.420: PROVIDED, That any such revenues that are required for city and county bond retirement requirements shall be repaid to the motor vehicle fund for distribution pursuant to RCW 46.68.100 in the event additional revenues are made available for the city and county urban arterial program."

On motion of Senator Whetzel, the following amendments to the title by Senators Whetzel and Washington were adopted:

On page 1, line 1 of the title after "board" and before the semicolon insert "and the urban arterial trust account"

On page 1, line 6 of the title, after "RCW 47.26.190" and before the period, add "adding a new section to chapter 47.26 RCW"

On motion of Senator Whetzel, the rules were suspended, House Bill No. 759, 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. 759, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Foley, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senators Francis, Guess—2.

Absent or not voting: Senators Durkan, Fleming, McCutcheon, Odegaard, Talley—5.

Excused: Senator Dore—1.

HOUSE BILL NO. 759, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence within the bar of the Senate of the employees of the Senate cafeteria and appointed a special committee consisting of Senators Sandison, Talley, Metcalf and Newschwander to escort the guests to a place of honor upon the rostrum.

With leave of the Senate, business was suspended to permit the employees to be given gifts from the members of the Senate.

The Senate cafeteria employees were escorted from the rostrum.

#### PROTESTS

"I wish to make it clear that I have voted for Senate Bill No. 928 under protest. The

Democratic caucus desires my support for this bill which represents a preliminary step in redistricting negotiations. My protest concerns the absence of "A" and "B" representative districts in the Second Legislative District, which I feel are needed because of its considerable size and in order to insure that each of the two general areas composing the district will continue to have representation in the House of Representatives."

/s/ SENATOR BRUCE A. WILSON.

"As Chairman of the Senate subcommittee on redistricting, I hereby state that this subcommittee does not intend to accept a final redistricting plan without "A" and "B" representative districts for the proposed Second Legislative District."

/s/ SENATOR R. R. BOB GREIVE.

## SECOND READING

ENGROSSED HOUSE BILL NO. 373, by Representatives Copeland and Sawyer (by departmental request):

Increasing state patrol retirement benefits.

The bill was read the second time by sections.

Senator Woodall moved adoption of the following amendment:

On page 1, section 1 (1), line 12 of the engrossed bill, being line 10 of the printed bill, before "prior" strike "A" and insert "[A] *As long as such member is not employed by the United States, the state or any agency or instrumentality or political subdivision thereof a*" and on line 15 of the engrossed bill being line 14 of the printed bill after "member" insert "*: PROVIDED, That as long as any such member is employed by the United States, the state or any agency or instrumentality or any political subdivision thereof, a prior service annuity which shall be equal to one and one-half percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.*"

Debate ensued.

## POINT OF INQUIRY

Senator Talley: "I wonder if Senator Woodall would yield to a question? Senator, if I understand your amendment, these men would have to be fully retired to draw this."

Senator Woodall: "That is correct."

Senator Talley: "What if the man had a part-time job like bus driving or something like that? Would he be ineligible to receive this increase?"

Senator Woodall: "Those who are not supplementing their retirement any other way and we are perfectly willing to supplement it for them."

Senator Talley: "Then at that time that he was holding down another job when he did fully retire, would he be eligible for this pension increase?"

Senator Woodall: "Yes. The minute that he is retired he gets it."

Senator Talley: "Even if he had another job now but say ten years from now if he fully retired then he would be eligible for this increase?"

Senator Woodall: "Yes."

Senator Talley: "Would you entertain an amendment to this amendment that as long as such member is not employed full time?"

Senator Woodall: "Well I do not know just what the definition of full time is. I think you would mess it up. The purpose of it is that once you retire from state government at an adequate rate of pay, that there is just no reason to add this if you are holding down any other state employment. It only applies to state government. If he supplements it on the outside, that is all right. No one is going to worry about that."

Senator Talley: "I do not read it that way. The state or any agency of it. That would be schools, cities, towns."

Senator Woodall: "Well that is what I would say, yes."

Further debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Woodall yield to a question? Senator, I just had a chance to read your amendment. Would this include legislators and everyone else?"

Senator Woodall: "No, if we were going back prior to 1947 and were changing the base from part of 1947,—these were the only ones who had a retirement at that time, in fact I was author of that act."

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

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 373, 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. 373, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Dore—1.

ENGROSSED HOUSE BILL NO. 373, 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 SUBSTITUTE HOUSE BILL NO. 510, by Committee on Transportation:

Making appropriations for state highways.

The time having arrived the Senate commenced consideration of Engrossed Substitute House Bill No. 510.

## REPORT OF STANDING COMMITTEE

April 28, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 510, making appropriations for state highways (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 7 of the printed and engrossed bill, strike "\$540,763,292" and insert "\$538,232,899"

On page 2, section 1, beginning on line 8 of the printed bill, being line 7 of the engrossed bill, strike "thirteen million eight hundred ninety-six thousand four hundred fifty-five dollars" and insert "\$14,337,511"

On page 2, section 1, line 13, following the House Amendment by Representative Kraebel to the printed bill, being page 2, section 1, line 19 of the engrossed bill, after "commence" and before the period insert ": PROVIDED FURTHER, That not to exceed \$18,000 will be expended for the demolition and removal of the abandoned railway overpass between Bremerton and Chico on a section of former state route 3: PROVIDED FURTHER, That if the Highway Commission encounters unavoidable delays in designing and constructing the Bay Freeway Interchange with SR 99 in Seattle and/or in designing and constructing the Duwamish River Bridge and approaches on SR 509 in Seattle, as provided in the budget of the Highway Commission adopted by this act, then the Highway Commission is hereby authorized and directed to expend so much of the \$4,909,749 provided for the Bay Freeway Interchange and so much of the \$5,201,892 provided for the Duwamish River Bridge and approaches, as unavoidable delays may render unexpended, for expediting the design, acquisition of right of way, and construction of the four lane, limited access highway project on SR 195, from Spokane to Pullman."

On page 2, section 1, line 24 of the printed and engrossed bill, strike "\$60,423,301" and insert "\$61,978,070"

On page 2, section 1, line 25 of the printed and engrossed bill, strike "five million seventy-two thousand four hundred forty-six dollars" and insert "\$5,260,573"

On page 3, section 1, line 9 of the printed and engrossed bill, strike "\$27,514,927" and insert "\$28,490,551"

On page 3, section 1, beginning on line 10 of the printed and engrossed bill, strike "twelve million six hundred thirty-three thousand eight hundred fifty-two dollars" and insert "\$13,241,666"

On page 3, section 1, at the end of the section of the printed and engrossed bill, add a new paragraph as follows:

"It is the intent of the legislature that the Highway Commission devote special



attention to limiting salaries and wages expenditures for executive management, supervision and support activities to \$21,500,000 to accomplish such budgeted activities within combined Programs C-1, M-1 and P-1."

On page 3, section 2, beginning on line 24 of the printed and engrossed bill, after "exceed" strike "eight hundred thirty-four thousand seven hundred five dollars" and insert "\$871,588"

On page 3, section 2, line 25 of the printed and engrossed bill, after "administrative expenses" and before the period insert ": PROVIDED FURTHER, That during the 1971-73 biennium the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within fifteen months from the date of authorization"

On page 4, section 6, beginning on line 26 of the printed and engrossed bill, after "of" strike "one hundred fifteen thousand eight hundred twenty-eight dollars" and insert "\$120,554"

On page 6, beginning on line 9 of the printed and engrossed bill, after "Sec. 10." strike the entire section and insert "There is hereby appropriated from the Motor Vehicle Fund to the Washington State Highway Commission for the biennium ending June 30, 1973, the sum of two million seven hundred fifty thousand dollars or so much thereof as may be necessary for the completion of location, acquisition of all right of way, and construction of two lanes plus necessary interchange structures for an ultimate 4-lane parkway connection to The Evergreen State College Campus as provided in section 10, chapter 281, Laws of 1969 extraordinary session: PROVIDED, That no moneys may be expended from this appropriation for construction until Thurston County agrees to accept the completed Parkway Connection as a county road and to preserve the access control established by the Washington State Highway Commission: PROVIDED FURTHER, That no more than two million dollars shall be expended in the biennium ending June 30, 1973."

On page 7 of the printed and engrossed bill, following section 12, add two new sections as follows:

"NEW SECTION. Sec. 13. There is hereby appropriated from the motor vehicle fund to the Washington State Highway Commission for the biennium ending June 30, 1973, the sum of one million dollars, or so much thereof as may be necessary, for the completion of location and design, acquisition of the right of way and construction of bridge piers necessary in the construction of a bridge across the Snake River to serve SR 193 at a site northwest of Clarkston.

NEW SECTION. Sec. 14. There is appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1973 the sum of three thousand dollars for research in the field of motor vehicle law to be performed by the national committee on uniform traffic laws and ordinances. Disbursement of this appropriation shall be pursuant to resolution of the joint committee on highways."

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Bailey, Connor, Donohue, Durkan, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Murray, Peterson (Lowell), Talley, Walgren, Whetzel.

The bill was read the second time by sections.

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

On motion of Senator Keefe, the following amendment was adopted:

On page 2, section 1, line 19, after "commence" and before the period insert the following: ": PROVIDED FURTHER, That all funds programmed for expenditure on state route 2 in Spokane between milepost 286.93 and 292.86 that are not obligated by April 1, 1973, shall be used at the discretion of the state highway commission for construction improvements on state route 195 between milepost 21.00 near the City of Pullman and 80.82 near the City of Spangle."

Senator Washington moved adoption of the following amendment by Senators Washington and Durkan:

On page 2, section 1, line 19 after "commence" and before the period and following the Senate amendment to line 19 insert: ": PROVIDED FURTHER, That within constitutional limitations the state highway commission is authorized to use highway construction funds to provide highway facilities for public bus transportation facilities for which the state may receive partial reimbursement of federal aid funds pursuant to section 142 of Title 23, United States Code as amended by section 111 of Public Law 91-605"

#### POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator, will you tell us what is in Title 23, United States Code, as amended by section 111 of Public Law 91-605?"

Senator Washington: "I cannot tell you precisely but as I understand it these are the funds which the federal government is authorizing for public transportation, so the federal funds can be utilized for such things as bus shelters, parking lots and facilities such as that."

Senator Guess: "Would this happen by any chance to be the public law on public mass transportation passed in 1969? Could that be it?"

Senator Washington: "I am not certain as to the date. I will say that this particular amendment has been checked with the highway department. Tom Garlington drew the

amendment and they felt that it would allow them to use state funds coordinated with federal funds for the same purpose. There is no objection by the highway department."

Senator Guess: "I have just been handed a document, the Laws of the Ninety-first Congress, Second Session, and this is in the Urban Highway Public Transportation Act. I just wanted to make sure that it was recorded."

Senator Washington: "The controlling point is that within the constitutional limitations of the state of Washington."

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

Senator Durkan moved adoption of the following amendment:

On page 2, section 1, line 19 after "commence" and before the period and following the Senate committee amendment insert: " PROVIDED FURTHER, That whenever additional highway lanes are needed for the weekday work trip of commuters in urban areas of over fifty thousand population as determined by the United States bureau of the census, the state highway commission shall increase the capacity of the state highway system by authorizing funds only for ferry system projects and for projects which provide facilities for mass transportation systems operating motor vehicles on highways for the transportation of passengers when

(1) (a) Such project will avoid the construction of a state-funded highway project which increases automobile traffic capacity, (b) such project will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (c) such project will not cost the state more than the state's share of the avoided project; or, when

(2) No other feasible and prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways or on ferries provided by the project; but in either case (1) or (2) the state highway commission shall not authorize any funds for projects under this proviso unless it has received assurances satisfactory to it and recorded findings and supporting considerations of public record to the effect that the urban area has a public mass transportation system or systems which will have adequate capacity to fully utilize the proposed project, and the other conditions of this proviso have been met.

As used in this proviso, "projects which provide facilities for mass transportation systems operating motor vehicles on highways for the transportation of passengers" shall include but not be limited to the following:

(a) Exclusive bus highway—an entire highway facility reserved at all times solely for the uses of buses.

(b) Exclusive bus lane(s) or reserved bus lane(s)—one or more lanes of a highway facility reserved solely for buses. Cars containing a minimum number of persons may be metered into the bus lane so that it becomes an exclusive bus and car-pool lane.

(c) Preferential bus treatment—(bus priority) making special allowance for bus movement within the general stream of traffic.

(d) Highway traffic control devices which expedite bus use of highways.

(e) Bus passenger loading areas and facilities including shelters.

(f) Fringe and transportation corridor parking facilities located outside a central business district to serve bus and other public mass transportation passengers.

As used in this proviso, "ferry system" includes parking facilities, shelters and loading areas, and the ferries needed."

#### MOTION

Senator Henry moved that the amendment by Senator Durkan be laid upon the table.

Senator Durkan demanded a roll call and the demand was sustained by Senators Elicker, McDougall, Scott, Whetzel, Twigg, Andersen, Matson, Clarke and Holman.

#### ROLL CALL

The Secretary called the roll and the amendment by Senator Durkan was laid upon the table by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Canfield, Connor, Cooney, Day, Donohue, Foley, Guess, Henry, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Newschwander, Odegard, Peterson (Lowell), Sandison, Talley, Twigg, Washington, Wilson, Woodall—26.

Voting nay: Senators Andersen, Atwood, Bailey, Clarke, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Herr, Holman, Mardesich, Murray, Peterson (Ted), Ridder, Scott, Stender, Stortini, Walgren, Whetzel—21.

Absent or not voting: Senator Greive—1.

Excused: Senator Dore—1.

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

On motion of Senator Whetzel, the following amendment by Senators Whetzel, Murray and Francis was adopted:

On page 2, section 1, line 29 of both the engrossed and printed bills, after "Construction" insert ": PROVIDED FURTHER, That any funds authorized for Program M may be expended for removal of snow from areas designated by the state highway commission on state highway right of way or other land adjacent to a state highway owned by or under lease or permit to the state where public highways join state highways and which are utilized by the public for access to public areas used for non-commercial winter sports activities: PROVIDED, That prior to removing snow outside of the state highway right of way the commission is authorized and directed to enter into an agreement for reimbursement by other public agencies"

On motion of Senator Washington, the following amendment by Senators Washington and Durkan was adopted:

On page 7 insert the following new section to read as follows:

"NEW SECTION. Sec. 15. It is the intent of the legislature that no salary increase be granted in the same job classification, except for increments resulting from longevity, to any individual in the employ of the state whose salary is funded by the provisions of this act."

Senator Washington moved adoption of the following amendment by Senators Washington and Durkan:

"NEW SECTION. Sec. 16. It is the intent of the legislature that no funds from any appropriation contained in this act shall be used to pay yearly merit increments resulting from employee longevity during the 1971-73 biennium for those employees whose salary computed on an annual basis as of July 1, 1971 exceeds \$15,000 per annum."

#### POINT OF INQUIRY

Senator Atwood: "Would Senator Washington yield? Senator, is it the intent of this particular amendment to preclude the granting of merit or longevity increases for those below fifteen thousand dollars?"

Senator Washington: "No, the intent incorporated in this particular section applies only to salary increases in the same job classification and not to normal step increases or to increments resulting from employee longevity, except longevity increases for those individuals earning in excess of fifteen thousand dollars per annum as expressed by the previous amendment."

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

Senator Mardesich moved adoption of the following amendment:

On page 6, after line 12, add the following, numbering new sections consecutively:

"NEW SECTION. Sec. 1. The legislature finds that the more populous cities and counties of the state lack adequate sources of revenue to carry out essential county and municipal purposes; that traffic congestion caused by travel demand in excess of highway capacity is concentrated in the same populous cities and counties; and that retail gasoline prices tend to be lower in populous areas than in less competitive rural areas. The legislature further finds that sources other than highway user revenues are necessary to maintain adequate systems of streets and roads in populous areas at the expense of other essential county and municipal purposes and that the most efficient and appropriate method of deriving revenues for such purposes is to vest additional taxing powers in the governing bodies of such cities and counties. The legislature intends, by enacting this 1971 amendatory act, to provide the means by which counties and cities may finance road, street programs and mass transit facilities should they choose to employ them, primarily from highway user revenues.

NEW SECTION. Sec. 2. The populous counties and cities to which this chapter shall apply are counties of the second class or larger, all cities located within such counties, and first class cities located in other counties.

Sec. 3. Section 82.36.440, chapter 15, Laws of 1961 and RCW 82.36.440 are each hereby amended to read as follows:

The tax herein levied is in lieu of any excise, privileged, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel *except as specifically provided in this 1971 amendatory act.*

NEW SECTION. Sec. 4. The governing body of any county or city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this 1971 amendatory act, fix and impose a motor vehicle fuel tax and a use fuel tax in accordance with the terms of this act, provided that both such taxes must be imposed concurrently and may not be imposed or maintained severally. Such tax shall be collected from those persons who are taxable by the state pursuant to chapters 82.36 and 82.40 RCW, upon each gallon of motor vehicle fuel sold, distributed, or used within the county or city as the case may be. The rate of such tax imposed by a county or city shall be one cent per gallon of fuel sold, distributed or used.

NEW SECTION. Sec. 5. It is the intent of this chapter that any local motor vehicle fuel tax and use fuel tax adopted pursuant to this 1971 amendatory act be as consistent and

uniform as possible with the state motor vehicle fuel tax and use fuel tax respectively. It is further the intent of this act that local motor vehicle fuel and use fuel taxes shall be imposed upon an individual sale, distribution or use of motor vehicle fuel simultaneously with the imposition of the state motor vehicle fuel or use fuel tax upon the same sale, distribution or use. The rule making powers of the director of motor vehicles relating to motor vehicle fuel taxes and use fuel taxes shall be applicable to this chapter. The director shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model resolution and ordinance. No resolution or ordinance or any amendment thereto adopted pursuant to this chapter shall be effective except upon the first day of a calendar month.

*NEW SECTION.* Sec. 6. Any county ordinance adopted pursuant to this act shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city motor vehicle fuel tax or use fuel tax imposed upon the same sale, distribution or use.

*NEW SECTION.* Sec. 7. For the purposes of this 1971 amendatory act, the place of sale, distribution, or use of motor vehicle fuel shall be the place where such fuel is received into any receptacle on a motor vehicle for consumption in propelling such motor vehicle on the highways within this state.

*NEW SECTION.* Sec. 8. The counties and cities shall contract, prior to the effective date of resolution or ordinance imposing a motor vehicle fuel tax and a use fuel tax, in accordance with this chapter, the administration and collection to the state department of motor vehicles, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this 1971 amendatory act which is collected by the department of motor vehicles shall be deposited by the director in a special fund under the custody of the state treasurer to be known as the local motor vehicle fuel and use fuel tax revolving fund. Bimonthly the state treasurer shall make distribution from the local motor vehicle fuel and use fuel tax revolving fund to the counties and cities the amount of tax collected on behalf of each county or city, less the deduction provided for in this section.

*NEW SECTION.* Sec. 9. All administrative provisions in chapters 82.36 and 82.40 RCW, as they now exist or may hereafter be amended, shall be applicable to taxes imposed pursuant to this 1971 amendatory act.

*NEW SECTION.* Sec. 10. No determination that one or more provisions of this 1971 amendatory act, or any part thereof, are invalid shall affect the validity of the remaining provisions.

*NEW SECTION.* Sec. 11. Section 1 and sections 3 through 10 are added to and shall constitute a new chapter in Title 82 RCW.

*NEW SECTION.* Sec. 12. This 1971 amendatory 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 immediately."

#### POINT OF ORDER

Senator Washington: "I raise the point of order that the amendment proposed by Senator Mardesich is beyond the scope and object of the bill."

Debate ensued.

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Washington finds the remarks of Senator Mardesich are absolutely correct in that the President does not rule upon constitutional questions. However, this is a point that deals strictly with scope and object.

"The President finds that the remarks of Senator Washington are correct in that Engrossed Substitute House Bill No. 510 is an act relating to highways and is more or less strictly an appropriation measure whereas the amendment proposed by Senator Mardesich does include a proposed one cent a gallon tax on gasoline. Therefore the President rules that the point of order as presented by Senator Washington is well taken."

The amendment by Senator Mardesich was ruled out of order.

#### PERSONAL PRIVILEGE

Senator Woodall: "Mr. President and members of the Senate, I want to tell you how pleased I was a short time ago when I was off the floor over the speaker system I heard the voice of Senator Washington objecting to adding extraneous matter to his highway bill. Senator Washington, you have come a long, long way."

On motion of Senator Washington, the rules were suspended, Engrossed Substitute House Bill No. 510, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 510, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Fleming, Huntley, Mardesich, Scott—4.

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

Excused: Senator Dore—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 510, 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 8, 1971.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 463, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 463, by Representatives Brown, Kilbury and Kiskaddon (by executive and Secretary of State request): Providing for annual general elections and prorating costs thereof between state and governmental subdivisions.

#### MOTION

Senator Stortini moved that the rules be suspended and Engrossed House Bill No. 463 be advanced to second reading and read the second time in full.

Senator Bailey demanded a roll call and the demand was sustained by Senators Holman, Durkan, Atwood, Ridder, Mardesich, Stortini, Canfield, Gardner and Metcalf.

#### PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, does it take two-thirds to bypass the committee?"

#### REPLY BY THE PRESIDENT

The President: "Senator Guess, in order for the Senate to consider this measure it will be necessary for the Senate to suspend that portion of Rule 61, 'after the first reading, bills shall be referred to the appropriate standing committee.' This would require a two-thirds majority."

Debate ensued.

## POINT OF ORDER

Senator Woodall: "Senator Stortini is going beyond making a mere statement as to what the measure does."

## REPLY BY THE PRESIDENT

The President: "Senator Woodall's point is well taken."

## ROLL CALL

The Secretary called the roll and the motion by Senator Stortini to suspend the rules and advance Engrossed House Bill No. 463 to second reading, failed by the following vote: Yeas, 19; nays, 28; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Elicker, Fleming, Gardner, Holman, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Ridder, Scott, Stortini, Walgren, Whetzel—19.

Voting nay: Senators Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, McCutcheon, Newschwander, Peterson (Lowell), Peterson (Ted), Sandison, Stender, Talley, Twig, Washington, Wilson, Woodall—28.

Absent or not voting: Senator Durkan—1.

Excused: Senator Dore—1.

Engrossed House Bill No. 463 was referred to the Committee on Constitution, Elections and Legislative Processes.

## MOTIONS

On motion of Senator Andersen, Senators Andersen, Donohue and Sandison were excused to attend a Conference Committee meeting.

On motion of Senator Elicker, Engrossed House Bill No. 659 was ordered placed at the beginning of the second reading calendar for Sunday, May 9, 1971.

## SECOND READING

HOUSE BILL NO. 115, by Representatives Charette, Curtis and Bagnariol:

Regulating persons holding agents' licenses issued by the Washington state liquor control board and who represent holders of certificates of approval.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 115 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 Mardesich yield? Senator, section 5 says no holder of an agent's license shall contact any retail licensee of the board in goodwill activities. Can you tell me what the meaning of that is?"

Senator Mardesich: "I suppose that means he could not be giving samples away or buying people lunches or things of that sort. He would merely have to approach on a hard sell basis."

Senator Guess: "He would have no purpose if he could not go calling on a man. That is what I wanted to make sure."

Senator Mardesich: "No, that is not the point at all. It is the same thing that our liquor representatives are prohibited from doing but they are calling only on the board."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 115, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Excused: Senators Andersen, Donohue, Dore, Sandison—4.

HOUSE BILL NO. 115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 218, by Representatives Benitz, Julin and Hubbard:  
Authorizing regional law libraries.

## REPORT OF STANDING COMMITTEE

April 20, 1971.

HOUSE BILL NO. 218, authorizing regional law libraries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, beginning on line 16, strike all of the underlined material down to and including "the" on line 18, and insert "Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional"

On page 1, section 1, line 22, after "where" and before "court" strike "such" and insert "each"

On page 2, section 2, line 4, after "trustees" and before the period insert "PROVIDED, HOWEVER, That in the case of regional law libraries the board of trustees shall be one board of trustees which shall be selected in the above manner and constituted as follows: One superior court judge, one county commissioner from each county and one lawyer from the county seat of each county"

On page 2, section 2, line 9, after "compensation" strike the remainder of the sentence down to, but not including, the period.

On page 2, section 3, beginning on line 25, after "law library" strike all of the material down to and including "fund." on line 28 and insert "in that county or the regional law library to which the county belongs, which shall be paid to the county treasurer to be credited to the county or regional law library fund: PROVIDED, That upon a showing of need the three dollar fee may be increased up to five dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies."

On page 3, section 3, line 1, after "county or" and before "which" strike "judicial district" and insert "for the regional law library"

On page 3, section 3, beginning on line 4, after "or" and before "law" on line 5, strike "judicial district" and insert "regional"

In line 2 of the title, before "law libraries" strike "judicial district" and insert "regional"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Clarke, Durkan, Foley, Francis, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended and the committee amendments were adopted in toto.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 218, 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. 218, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—42.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Day, Fleming—2.

Excused: Senators Andersen, Donohue, Dore, Sandison—4.

HOUSE BILL NO. 218, 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 fifth order of business.

### INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 605, by Representatives Farr, Perry, Berentson and Litchman:

Providing standards for motor vehicle smoke and odor control.

Referred to Committee on Medicine, Dentistry and Health Care, Air and Water Pollution.

ENGROSSED HOUSE BILL NO. 725, by Representative Brown:

Providing election laws.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 747, by Representatives Brown and Morrison:

Reapportioning and redistricting the legislature.

Referred to Committee on Constitution, Elections and Legislative Processes.

ENGROSSED HOUSE BILL NO. 865, by Representative Bluechel:

Relating to the operation and administration of state government.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1022, by Representatives Eikenberry and Polk:

Relating to state government.

Referred to the Committee on State Government.

President Pro Tempore Henry assumed the Chair.

### SECOND READING

ENGROSSED HOUSE BILL NO. 766, by Representatives Thompson and Smythe:

Removing a fire protection district commissioner for failure to attend meetings.

### REPORT OF STANDING COMMITTEE

March 31, 1971.

ENGROSSED HOUSE BILL NO. 766, removing a fire protection district commissioner for failure to attend meetings (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 18 of the printed bill, being section 1, line 19 of the engrossed bill, after "section" and before the period insert "*but provided that no such action shall be taken unless he is notified by mail after two consecutive unexcused absences that his position will be declared vacant if he is absent without being excused from the next regularly scheduled meeting*"

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Dore, Elicker, McDougall, Ridder, Talley, Walgren, Whetzel, Wilson.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment was adopted.



On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 766, 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. 766, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odeggaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Day, Durkan, Talley—3.

Excused: Senators Andersen, Donohue, Dore, Sandison—4.

ENGROSSED HOUSE BILL NO. 766, 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 Stortini, Engrossed House Bill No. 538 was referred to the Committee on Rules and Joint Rules.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1075, by Representatives May, Brouillet, Jueling, Marzano, Gallagher, Adams, Bottiger and Wojahn:

Providing that certain collective bargaining agreements contain a provision for retroactive wages.

The bill was read the second time by sections.

Senator Francis moved adoption of the following amendment by Senators Francis and Stortini:

On page 1, add new sections following section 1 as follows:

“Sec. 2. Section 2, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.020 are each amended to read as follows:

This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, [28.72.010 through 28.72.090] 28A.72.010 through 28A.72.090, and chapter 53.18 RCW.

Sec. 3. Section 11, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.110 are each amended to read as follows:

[A collective bargaining agreement may provide that] Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues, initiation fee, and assessments as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

NEW SECTION. Sec. 4. There is added to chapter 41.56 RCW a new section to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions including all-union or agency provisions: PROVIDED, That agreements involving union security provisions including an all-union or agency provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee must pay an amount of money equivalent to regular union dues, initiation fee, and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues, initiation fee, and assessments. The public employee shall furnish written proof that such

payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the department shall designate the charitable organization. Where there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any statute, ordinance, rule, or regulation adopted by the public employer or its agents such as a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application of the matters contained in a collective bargaining agreement.

*NEW SECTION.* Sec. 5. There is added to chapter 41.56 RCW a new section to read as follows:

When requested by both the public employer and the bargaining representative, the department shall appoint a qualified employee of the department to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: PROVIDED, That the department shall not collect any fees or charges from such public employee or such bargaining representative for services performed by the department under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter."

#### POINT OF ORDER

Senator Atwood: "We just got this amendment on our desks here two seconds ago and after a quick examination I raise the point of order that it violates our rule, Rule 62, it enlarges the scope and object of the bill that is presently in front of us. The bill that it is being hooked to is an application of collective bargaining agreements for retroactive wages for city and public employees. This deals with certification or recognition of bargaining representatives, initiation fees and assessments, has a complete new section on seniority provisions and all union or agency provisions and a whole host of other things and I think it is far beyond the scope and object of the particular bill in front of us."

#### RULING BY PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The President, in ruling upon Senator Atwood's point of order, believes that while the amendment may be germane it most clearly expands the scope of the bill. Senator Atwood, the point of order is well taken."

The amendment by Senators Francis and Stortini was ruled out of order.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 1075 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 Lewis: "Will Senator Greive yield to a question? Senator, what I am concerned about, I understand and I am not objecting to that sort of an arrangement that you and Senator Stender are talking about, does this open up the whole broad spectrum of municipal government to the same provision?"

Senator Greive: "No, as I understand it, it deals only with one little railroad."

Senator Lewis: "Is it restricted then only and singly only to that railroad and does not open up the other cities of the state for the same type of bargaining agreement? If that is correct, then I would be glad to. . ."

Senator Greive: "I think the only fair thing to do here, since I do not know, is to hold the bill briefly and let us look it up and be sure."

#### MOTION

On motion of Senator Lewis, Engrossed House Bill No. 1075 was placed on the third reading calendar immediately following consideration of Engrossed House Bill No. 175.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1082, by Representatives Bauer, Cunningham and Luders:

Providing a refund of excise taxes to owners of destroyed motor vehicles, mobile homes, or travel trailers.

The bill was read the second time by sections.

On motion of Senator Henry, the rules were suspended, Engrossed House Bill No. 1082 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 McDougall, Senator Murray was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1082, and the bill failed to pass the Senate by the following vote: Yeas, 17; nays, 27; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Connor, Cooney, Day, Durkan, Foley, Greive, Henry, Herr, Keefe, Knoblauch, McCutcheon, Peterson (Lowell), Peterson (Ted), Ridder, Talley, Whetzel—17.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Francis, Gardner, Gissberg, Guess, Holman, Huntley, Jolly, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Scott, Stender, Stortini, Twigg, Walgren, Washington, Wilson, Woodall—27.

Absent or not voting: Senator Fleming—1.

Excused: Senators Donohue, Dore, Murray, Sandison—4.

ENGROSSED HOUSE BILL NO. 1082, having failed to receive the constitutional majority, was declared lost.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Washington moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 1082 failed to pass the Senate.

Debate ensued.

The motion for reconsideration failed on a rising vote.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 175, by Representatives Julin, Wojahn and Cunningham (by Judicial Council request):

Providing for grand juries and criminal investigations.

#### MOTION

On motion of Senator Gissberg, the rules were suspended, and the Senate commenced consideration of the following amendment prior to consideration of the committee amendments.

The bill was read the second time by sections.

On motion of Senator Gissberg, the following amendment was adopted:

On page 4, section 3, line 10, after "cause." strike the remainder of the section.

#### REPORT OF STANDING COMMITTEE

May 3, 1971.

ENGROSSED HOUSE BILL NO. 175, providing for grand juries and criminal investigations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 2(2), line 14, after "shall" and before "the" strike "include" and insert "mean"

On page 3, section 2(4), line 22, after "any" and before "whose" strike "individual" and insert "person"

On page 3, section 2(5), line 25, after "any" and before "not" strike "individual" and insert "person"

On page 3, section 2(5), line 25, after "individual" and before "summoned" on line 26, strike "not a principal or public attorney"

On page 3, section 2(6), line 32, after "corruption" strike ", either as a group or by committee."

On page 3, section 2(6), line 33, after "evidence." insert "The grand jury shall operate as a whole and not by committee."

On page 4, section 3, line 5, after "at" and before "except" strike "any superior court" and insert "the superior court of any county"

On page 4, section 3, line 7, after "court" and before "whenever" insert ", where the public interest so demands,"

On page 4, section 3, line 8, after "county" strike "that the public interest so demands,"

On page 4, section 3, line 9, after "attorney" and before "upon" insert ", corporation counsel or city attorney"

On page 5, section 7(1), line 2, after "is" and before the comma strike "completed" and insert "impaneled"

On page 5, section 7(2), line 13, after "hatred," strike "or" and after "malice" and before the semicolon insert "or political consideration"

On page 5, section 7(2), line 14, after "affection," strike "or" and after "thereof" and before the period insert "or political consideration"

On page 6, section 7(9)(a), line 18, after "impaneled" strike "or whenever directed by the court"

On page 7, section 7, line 11, after subsection (11) insert a new subsection to read as follows:

"(12) Subject to the approval of the court, the corporation counsel or city attorney for any city or town in the county where any grand jury has been convened may appear as a witness before the grand jury to advise the grand jury of any criminal activity or corruption within his jurisdiction."

On page 7, section 8, line 15, after "interpreter" and before "a" strike "and" and insert a comma.

On page 7, section 8, line 16, after "any" and before the period insert ", and, for the purposes provided for in section 17 of this 1971 act, any corporation counsel or city attorney."

On page 7, section 9(3), line 31, after "attorney," and before "reporter" insert "city attorney or corporation counsel,"

On page 8, section 9(5), line 15, after "court" and before "may" insert "upon a showing of good cause"

On page 8, section 9(5), line 16, after "attorney" strike "or" and insert a comma.

On page 8, section 9(5), line 17, after "attorney" and before "upon" insert "city attorney or corporation counsel"

On page 8, section 9(5), line 17, after "and" and before "the" strike "notice to" and insert "with the concurrence of"

On page 8, section 9(5), line 18, after "jury." insert "Any witness' testimony, given before a grand jury or a special inquiry judge and relevant to any subsequent proceeding against the witness, shall be made available to the witness upon proper application to the court. The court may also, upon proper application and upon a showing of good cause, make available to a defendant in a subsequent criminal proceeding other testimony or evidence:

(a) when given or presented before a special inquiry judge, if doing so is in the furtherance of justice; or

(b) when given or presented before a grand jury, if the court finds that doing so is necessary to prevent an injustice and that there is no reason to believe that doing so would endanger the life or safety of any witness or his family. The cost of any such transcript made available shall be borne by the applicant."

On page 9, section 12, line 9, after "client" and before the period insert "unless immunity has been granted pursuant to section 13 of this 1971 act. After immunity has been granted, such an individual may leave the grand jury room to confer with his attorney"

On page 9, section 13, line 15, after "evidence," strike everything down to "unless" on line 16 and insert "the court shall then hold a hearing and shall so order"

On page 9, section 13, line 18, after "order." insert "The hearing shall be subject to the provisions of sections 8 and 9 of this 1971 act, unless the witness shall request that the hearing be public."

On page 10, section 15, line 25, after "evidence" strike "taken together a majority" and insert "at least three-fourths"

On page 10, line 30, strike all of section 16 and insert:

"NEW SECTION. Sec. 16. The grand jury may prepare its conclusions, recommendations and suggestions in the form of a grand jury report. Such report shall be

released to the public only upon a determination by a majority of the judges of the superior court of the county court that (1) the findings in the report deal with matters of broad public policy affecting the public interest and do not identify or criticize any individual; (2) the release of the report would be consistent with the public interest and further the ends of justice; and (3) release of the report would not prejudice any pending criminal investigation or trial."

On page 10, section 17, line 33, after "public attorney" and before "has" insert " , corporation counsel or city attorney"

On page 11, section 19, line 21, after "judge" and before "of" insert "and prosecuting attorney"

On page 11, section 19, line 24, after "corruption" and before the period insert "which relates to crime or corruption under investigation in the initiating county"

Signed by: Senators Gissberg, Chairman; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Twigg, Walgren.

On motion of Senator Gissberg, the rules were suspended and the committee amendments were adopted in toto.

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 175, 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. 175, 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 Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-43.

Absent or not voting: Senators Lewis, Stender-2.

Excused: Senators Donohue, Dore, Murray, Sandison-4.

ENGROSSED HOUSE BILL NO. 175, 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

ENGROSSED HOUSE BILL NO. 1075, by Representatives May, Brouillet, Jueling, Marzano, Gallagher, Adams, Bottiger and Wojahn:

Providing that certain collective bargaining agreements contain a provision for retroactive wages.

#### MOTION

On motion of Senator Lewis, the rules were suspended, Engrossed House Bill No. 1075 was returned to second reading.

Senator Lewis moved adoption of the following amendment:

On page 1, section 1, line 6, after "agreement" insert "concerning any municipal belt railway" and on line 7 after "employer" insert "operating a municipal belt railway"

Debate ensued.

#### MOTION

Senator Stortini moved that the amendment by Senator Lewis be laid upon the table.

Senator Francis demanded a roll call and the demand was sustained by Senators Herr, Washington, Stender, Cooney, McCutcheon, Odegaard, Knoblauch, Matson, Twigg and Peterson (Ted).

## ROLL CALL

The Secretary called the roll and the amendment by Senator Lewis was laid upon the table by the following vote: Yeas, 29; nays, 13; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Connor, Cooney, Durkan, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson—29.

Voting nay: Senators Atwood, Canfield, Clarke, Elicker, Huntley, Lewis, Matson, Metcalf, Murray, Newschwander, Twigg, Whetzel, Woodall—13.

Absent or not voting: Senators Andersen, Day, Foley, Guess—4.

Excused: Senators Donohue, Dore, Sandison—3.

The motion by Senator Stortini carried and the amendment by Senator Lewis was laid upon the table.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 1075 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. 1075, 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, Canfield, Connor, Cooney, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Walgren, Washington, Wilson—30.

Voting nay: Senators Atwood, Clarke, Day, Elicker, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Twigg, Whetzel, Woodall—14.

Absent or not voting: Senators Andersen, Guess—2.

Excused: Senators Donohue, Dore, Sandison—3.

ENGROSSED 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 seventh order of business.

## SPECIAL ORDER OF BUSINESS

## SECOND READING

ENGROSSED HOUSE BILL NO. 140, by Representatives Shinpoch, Lynch, Grant, Maxie, Chamley, Bauer, Knowles, Litchman and Merrill:

Prohibiting cancellation of insurance because of sex and/or marital status.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 140 on second reading.

On motion of Senator Atwood, the rules were suspended, Engrossed House Bill No. 140 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. 140, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Cooney, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Voting nay: Senator Clarke—1.

Absent or not voting: Senators Andersen, Connor, Day, Gissberg—4.

Excused: Senators Donohue, Dore, Sandison—3.

ENGROSSED HOUSE BILL NO. 140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 52, by Representatives Flanagan, Perry and Pardini (by executive request):

Amending the constitutional debt limitation.

The resolution was read the second time in full.

On motion of Senator Holman, the rules were suspended, House Joint Resolution No. 52, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

Senators Herr, Gissberg and Atwood demanded the previous question and the demand was sustained.

President Pro Tempore Henry declared the question before the Senate to be the final passage of House Joint Resolution No. 52.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 52, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—44.

Voting nay: Senators Canfield, Guess, Stender—3.

Absent or not voting: Senator Woodall—1.

Excused: Senator Dore—1.

HOUSE JOINT RESOLUTION NO. 52, having received the constitutional two-thirds majority, was declared passed.

#### POINT OF ORDER

Senator Gissberg: "The point is under Rule 72, whether or not the placement of a Free Conference Committee report in the possession of each member as contrasted with the requirement of the rule that it be placed on each desk, whether or not that rule has been complied with. We are talking now specifically about the budget bill which has been given to each member in the respective caucuses and whether that suffices or whether it has to be on the desk."

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Henry: "The President ruling upon your point of order believes that the personal delivery to each member of a report is sufficient. In fact I think it is probably desired. I find things on my desk a day later that should have been delivered to me perhaps."

## SECOND READING

ENGROSSED HOUSE BILL NO. 803, by Representatives Flanagan, Perry and Pardini: Providing that state finance committee shall control incurrence of state debt.

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Engrossed House Bill No. 803 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. 803, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Dore, Newschwander—2.

ENGROSSED HOUSE BILL NO. 803, having received the 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 HOUSE BILL NO. 817, by Representatives Flanagan, Perry and Pardini: Providing for issuance of general obligation bonds for indebtedness of Washington state building authority.

The bill was read the second time by sections.

On motion of Senator Holman, the rules were suspended, Engrossed House Bill No. 817 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

There being no objection, Senators Andersen, Donohue and Sandison were excused for the purpose of a tax meeting.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 817, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senator Guess—1.

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

ENGROSSED HOUSE BILL NO. 817, having received the 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 HOUSE BILL NO. 479, by Representatives Hoggins, Randall and Cunningham (by Joint Committee on Education request):

Changing law relating to nonhigh school district aid to high school districts.



REPORT OF STANDING COMMITTEE

April 15, 1971.

ENGROSSED HOUSE BILL NO. 479, changing law relating to nonhigh school district aid to high school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 21, of the printed bill and page 5, line 27 of the engrossed bill add a new section:

"NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Notwithstanding any other provisions of law, any school district with a high school in operation on January 1, 1971 shall be classified as a high school district."

Renumber remaining sections consecutively.

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender.

The bill was read the second time by sections.

Senator Francis moved the committee amendment be not adopted.

Senator Ridder moved the committee amendment be adopted.

President Pro Tempore Henry declared the motion before the Senate to be the positive motion as placed by Senator Ridder.

The motion by Senator Ridder carried and the committee amendment was adopted on a rising vote.

MOTION

Senator Bailey moved that Engrossed House Bill No. 479 be made a special order of business for Sunday, May 9, 1971.

Debate ensued.

PERSONAL PRIVILEGE

Senator Murray: "Mr. President, for the record, I will not consult with the State Board of Education and ask them to call Senator Bailey."

The motion by Senator Bailey lost.

The Senate resumed consideration of Engrossed House Bill No. 479 on second reading.

Senator Ridder moved adoption of the following amendment:

On page 8, section 9, line 1, add a new section to read as follows:

"Sec. 9. Section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September [1969] 1971 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows:

September . . . . .	10 %
October . . . . .	8 %
November . . . . .	6.5%
December . . . . .	[6.5] 8.5%
January . . . . .	13 %
February . . . . .	13 %
March . . . . .	11 %
April . . . . .	5 %
May . . . . .	5 %
June . . . . .	[5] 3 %
July . . . . .	8.5%
August . . . . .	8.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, [1969] 1971, and ending June 30, [1971] 1973, shall consist of the monthly apportionments due for July and August of [1969] 1971 plus the apportionments due for twenty-two months beginning with September, [1969] 1971 and ending with June, [1971] 1973. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several intermediate school districts

during such month: PROVIDED, That any school district may, through its intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed [five] *eight* percent of the total amount to become due and apportionable during the school districts fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and if he determines in the affirmative he may approve such advance and at the same time add such an amount to the apportionment for the intermediate school district in which the district is located : PROVIDED, *That the interest earned by school districts on the investment of temporary cash surpluses, resulting from obtaining such advance of state funds, shall be deducted from the remaining amount apportionable to said districts during that year and/or the year immediately following.*"

## MOTION

On motion of Senator Bailey, Engrossed House Bill No. 479 and the pending amendment by Senator Ridder was made a special order of business for 2:00 p.m., Sunday, May 9, 1971.

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

## REPORT OF STANDING COMMITTEE

May 8, 1971.

ENGROSSED HOUSE BILL NO. 747, reapportioning and redistricting the legislature (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Without recommendation.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Donohue, Greive, Keefe, Mardesich, Washington.

Passed to Committee on Rules and Joint Rules for second reading.

## SECOND READING

ENGROSSED HOUSE BILL NO. 697, by Representatives Benitz, Haussler, Hubbard, Eikenberry and Hatfield:

Increasing penalty for criminal property damage in excess of seventy-five dollars.

## REPORT OF STANDING COMMITTEE

May 3, 1971.

ENGROSSED HOUSE BILL NO. 697, increasing penalty for criminal property damage in excess of seventy-five dollars (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 2, line 2 of both the printed and engrossed bill, after "of" and before "property" strike "[a misdemeanor]" and insert "a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

On page 4, section 3, line 33 of both the printed and engrossed bill, after "of" and before "property" strike "[a misdemeanor]" and insert "a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

On page 5, section 4, line 10 of both the printed and engrossed bill, after "of" and before "property" on line 11, strike "[a gross misdemeanor]" and insert "a [gross] misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

On page 7, section 5, line 2 of both the printed and engrossed bill, after "of" and before "property" strike "[a misdemeanor]" and insert "a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

On page 7, section 6, line 14 of both the printed and engrossed bill, after "of" strike everything down to the period on line 16 and insert "a gross misdemeanor"

On page 8, section 8, line 11 of both the printed and engrossed bill, after "of" and before "property" strike "[a misdemeanor]" and insert "a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

On page 8, section 8, line 21 of both the printed and engrossed bill, after "of" and before "property" on line 22, strike "[a misdemeanor]" and insert "a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of"

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Foley, Greive, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 697, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 697, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senator Lewis—1.

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

ENGROSSED HOUSE BILL NO. 691, 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.

ENGROSSED HOUSE BILL NO. 210, by Representatives Kopet and Chatalas (by Legislative Budget Committee request):

Providing that the administrative costs of the law enforcement and firefighters' retirement system are borne by the local government employer units.

#### REPORT OF STANDING COMMITTEE

April 26, 1971.

ENGROSSED HOUSE BILL NO. 210, providing that the administrative costs of the law enforcement and firefighters' retirement system are borne by the local government employer units (reported by Committee on Public Pensions and Social Security):

MAJORITY recommendation: Do pass with the following amendments:

On page 4 of the printed and engrossed bill, add two new sections following section 2 as follows:

"NEW SECTION. Sec. 3. Each employee who is a member of the retirement system on January 1, 1972 or thereafter, shall contribute two dollars and fifty cents per annum to the retirement system expense fund. Such contribution shall be made by semiannual payments of one dollar and twenty-five cents beginning January 1, 1972, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership. Such contribution shall be deducted from each member's basic salary for the appropriate pay period.

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."

In line 5 of the title, after "41.26.070" and before the period insert "and adding a new section to chapter 41.26 RCW"

Signed by: Senators Fleming, Chairman; Clarke, Day, Herr, Holman, Murray.

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 House Bill No. 210, 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. 210, as

amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Cooney, McCutcheon, Stortini—3.

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

ENGROSSED HOUSE BILL NO. 210, 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.

HOUSE BILL NO. 212, by Representatives Thompson, Kopet, Hoggins and Mentor (by Legislative Budget Committee request):

Removing the forty percent limitation from marine fuel taxes used for capital improvements on marine recreation areas.

#### REPORT OF STANDING COMMITTEE

March 23, 1971.

HOUSE BILL NO. 212, removing the forty percent limitation from marine fuel taxes used for capital improvements on marine recreation areas (reported by Committee on Parks, Tourism, Capitol Grounds and Veterans' Affairs):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, strike everything after section 1 and insert:

"Sec. 2. Section 9, chapter 5, Laws of 1965 and RCW 43.99.090 are each amended to read as follows:

Not more than [twenty] fifty percent of the moneys transferred to the outdoor recreation account from the marine fuel tax refund account shall be used for capital improvement of marine recreation land.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 5, Laws of 1965 and RCW 43.99.140; and

(2) Section 16, chapter 5, Laws of 1965 and RCW 43.99.160."

In line 3 of the title after "43.99.080;" and before "section" strike "repealing" and insert "amending"

Signed by: Senators Wilson, Chairman; Canfield, Henry, Jolly, Lewis, Murray, Scott, Whetzel.

The bill was read the second time by sections.

On motion of Senator Whetzel, the committee amendment was adopted.

On motion of Senator Atwood, the committee amendment to the title was adopted.

On motion of Senator Atwood, the rules were suspended, House Bill No. 212, 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 Talley: "Would Senator Atwood yield to a question? Senator, does not this put a cent a gallon tax on marine fuel too?"

Senator Atwood: "No."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 212, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

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

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

HOUSE BILL NO. 212, 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.

ENGROSSED HOUSE BILL NO. 876, by Representatives Curtis, Eikenberry, Ross and Maxie:

Pertaining to the licensing of intoxicating liquor for consumption at certain places.

The bill was read the second time by sections.

On motion of Senator Guess, the following amendment by Senators Guess and Twigg was adopted:

On page 4, line 25, add a new section as follows:

“NEW SECTION. Sec. 3. There is added to chapter 66.04 RCW a new section to read as follows:

“Public Place” as defined in this title shall not include any of those parks under the control of the state parks and recreation commission.

Senator Ridder moved adoption of the following amendment:

On page 4, add a new section following section 2 as follows:

“NEW SECTION. Sec. 3. There is added to chapter 66.24 RCW a new section to read as follows:

(1) There shall be a special license, designated as a class X license, which shall allow the serving of ice and mixers to patrons, who shall have the privilege of bringing their own alcoholic beverages for their own consumption into establishments with class X licenses: PROVIDED, That the license shall be issued only for premises comprising a hall or place otherwise validly licensed under the laws of a city, town, or county for public dances on not more than three days a week: PROVIDED FURTHER, That no licensee shall sell alcoholic beverages. (2) The license fee for a class X license shall be fifty dollars annually.”

#### POINT OF ORDER

Senator Atwood: “This is an enlargement of the scope and object of this particular bill and I raise it under Rule 62 that provides for a new class of license and it is way beyond the scope of this bill.”

Debate ensued.

#### RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Henry: “Senator Ridder and Senator Atwood, it is not the first time I have seen something like this. It is beyond the scope and object of the bill. This will establish a bottle club and I am entirely in favor of them but it does not fit in this bill.”

The amendment by Senator Ridder was ruled out of order.

On motion of Senator Guess, the following amendment to the title by Senators Guess and Twigg was adopted:

On page 1, line 4 of the title, after “RCW 66.24.420” insert “; and adding a new section to chapter 66.04 RCW”

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 876, 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. 876, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 2; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Voting nay: Senators Huntley, Jolly, Metcalf, Peterson (Ted)—4.

Absent or not voting: Senators Fleming, McCutcheon—2.

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

ENGROSSED HOUSE BILL NO. 876, 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.

ENGROSSED HOUSE BILL NO. 694, by Representatives Paris, Marsh, Kirk and Thompson:

Providing that the aid of specialists may be ordered by family courts.

The bill was read the second time by sections.

On motion of Senator Talley, the rules were suspended, Engrossed House Bill No. 694, 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. 694, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Durkan, Fleming, McCutcheon—3.

Excused: Senators Andersen, Donohue, Dore, Newschwander, Sandison—5.

ENGROSSED HOUSE BILL NO. 694, having received the 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

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 59 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on ENGROSSED SENATE BILL NO. 59, and the House amendments thereto: Representatives Shera, Ross and Chatalas.

MAY 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Woodall, the request of the House for a conference on Engrossed Senate Bill No. 59 and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 59, and the House amendments thereto: Senators Woodall, Gissberg and Mardesich.

#### MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 7, 1971.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 773 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Peterson (Lowell), the Senate receded from its amendment to House Bill No. 773.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 773, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Durkan, McCutcheon—2.

Excused: Senators Andersen, Dore, Newschwander, Sandison—4.

HOUSE BILL NO. 773, without the Senate amendment, having received the 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 7, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 179 with the following amendments:

On page 1, section 1, line 27 of the engrossed bill, being line 4 of the Senate Committee amendment, after "initiated" insert "by or"

On page 2, section 1, line 9 of the engrossed bill, being line 14 of the Senate Committee amendment after "matter" and before the period insert ": PROVIDED, That if the attorney's fees conform to the applicable minimum bar fee schedule, court approval for such fees shall not be necessary", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Whetzel, the Senate concurred in the House amendments to Engrossed Senate Bill No. 179.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stender, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Durkan, McCutcheon, Scott—3.

Excused: Senators Andersen, Dore, Newschwander, Sandison—4.

ENGROSSED SENATE BILL NO. 179, 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.

#### MESSAGES FROM THE HOUSE

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 86 and has granted said committee the powers of Free Conference.

May 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, and has granted said committee the powers of Free Conference.

May 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 540, and has granted said committee the powers of Free Conference.

May 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 853, and has granted said committee the powers of Free Conference.

May 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has passed HOUSE BILL NO. 897, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.  
MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 136, SENATE BILL NO. 291, and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 12, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 41, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

At 6:55 p.m., on motion of Senator Greive, the Senate adjourned until 2:00 p.m., Sunday, May 9, 1971.

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



## FIFTY-NINTH DAY

## AFTERNOON SESSION

Senate Chamber, Olympia, Wash., Sunday, May 9, 1971.

The Senate was called to order at 2:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Stender. On motion of Senator Atwood, Senator Stender was excused.

The Color Guard, consisting of Pages Mark Wrenn, Color Bearer, and Kim Stamey, presented the Colors. Pastor Glen D. Cole, of the First Assembly of God Church of Olympia, offered prayer as follows:

"Our Heavenly Father, we cannot help but think of the fifth commandment You taught us in Your Word . . . 'Honor thy father and thy mother'. We take time on this Mother's Day to say 'thanks for Mom!' Her knee was our first classroom. She taught us how to get along with people and how to love God. The fifth commandment seems to be a call to America today to revive a reverent respect for our glorious Christian heritage. Take us from the extreme liberalism, the sophisticated novels, the pornographic movies and magazines, from the murky, muddy swamps of a new moral code and return us to a position of respect for the wisdom of moms and dads who lived and walked with God.

"We thank You for the privilege of living and serving today. Guide this group of statesmen through the final decisions of this session. Make, Oh God, every burden a blessing, every obstacle an opportunity and every problem a glorious possibility. We know You can and will, just because You are God. We love You and thank You for every blessing on this Mother's Day. In Jesus' Name we pray. Amen."

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

## REPORT OF STANDING COMMITTEE

May 8, 1971.

ENGROSSED HOUSE BILL NO. 463, providing for annual general elections and prorating costs thereof between state and governmental subdivisions (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Without recommendation.

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Donohue, Dore, Holman, Keefe, Mardesich, Metcalf.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGES FROM THE HOUSE

May 8, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 124,

SENATE BILL NO. 231,

SENATE BILL NO. 233,

SUBSTITUTE SENATE BILL NO. 354,

SENATE BILL NO. 373,

SENATE BILL NO. 512,

SUBSTITUTE SENATE BILL NO. 849,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 403,

HOUSE BILL NO. 644,

SUBSTITUTE HOUSE BILL NO. 655,

HOUSE BILL NO. 888,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 42, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 142 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate ammendment to ENGROSSED HOUSE BILL NO. 229 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 247 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 351 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 364 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 438 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 461 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 491 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate ammendment to ENGROSSED HOUSE BILL NO. 495 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 620 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 411 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Eikenberry, Farr and Jastad.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 772 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 740 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate ammendment to HOUSE BILL NO. 721 and has passed the bill as amended by the Senate.  
MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 687 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

Mr. President: The House has receded from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 139 and has passed the bill without the House amendments, and the same is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## MESSAGE FROM THE HOUSE

May 6, 1971.

Mr. President: The House has passed SENATE BILL NO. 884 with the following amendments:

Strike all of the title and insert the following:

"An Act relating to housing authorities; amending section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030; and adding a new section to chapter 35.82 RCW."

Strike everything after the enacting clause and insert the following:

"Section 1. Section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030 are each amended to read as follows:

In each city (as herein defined) and in each county of the state there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city or county: PROVIDED, HOWEVER, That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (1) may be made by the governing body on its own motion or (2) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare: PROVIDED, That the governing body of any class A county east of the Cascade mountains and of any city within such county shall only make such determination after referendum thereon to the people of such city or county, as the case may be.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (1) that unsanitary or unsafe inhabited dwelling accommodations exist in such city or county or (2) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

NEW SECTION. Sec. 2. There is added to chapter 35.82 RCW a new section to read as follows:

Except as limited by this section, an authority shall have the same powers with respect to supplemental projects as hereinafter in this section defined as are now or hereafter granted to it under this chapter with respect to housing projects.

No funds shall be expended by an authority for a supplemental project except by resolution adopted on notice at a public hearing as provided by chapter 42.32 RCW, supported by formal findings of fact incorporated therein, establishing that:

(1) Low-income housing needs within the area of operation of the authority are being or will be adequately met by existing programs; and

(2) A surplus of funds will exist after meeting such low-income housing needs.

Expenditures for supplemental projects shall be limited to those funds determined to be surplus.

"Supplemental project" for the purposes of this chapter shall mean any work or undertaking to provide buildings, land, equipment, facilities, and other real or personal property for recreational, group home, halfway house or other community purposes which by resolution of the housing authority is determined to be necessary for the welfare of the community within its area of operation and to fully accomplish the purposes of this

chapter. Such project need not be in conjunction with the clearing of a slum area under subsection (9)(a) of RCW 35.82.020 or with the providing of low-income housing under subsection (9)(b) of RCW 35.82.020." and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Foley, the Senate concurred in the House amendments to Engrossed Senate Bill No. 884.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 884, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Gardner, Twigg—2.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 884, 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

At 2:20 p.m., on motion of Senator Greive, the Senate recessed until 3:25 p.m.

#### SECOND AFTERNOON SESSION

The President called the Senate to order at 3:25 p.m.

#### MESSAGE FROM THE HOUSE

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 273 with the following amendments: May 7, 1971.

On page 1, section 1, line 6 of the printed and engrossed bills, after "give consent" insert "for himself"

On page 1, section 1, line 6 of the engrossed bill after "to" strike "any qualified person for" thus striking the Senate amendment

On page 1, section 1, line 8 of the printed and engrossed bills after "abuse" and before the period insert ": PROVIDED, That such counseling and care shall meet standards set by the department of social and health services", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Odegaard, the Senate refused to concur in the House amendments to Engrossed Senate Bill No. 273 and asks the House to recede therefrom.

Senators Greive, Stortini and Walgren 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 Stender who was previously excused.

On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

### MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House has passed SENATE BILL NO. 454 with the following amendment:

In section 1, line 12, after "prescription" insert the following "*and the security of the cover or cap on every bottle or jar shall meet safety standards promulgated by the state board of pharmacy*", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

### MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Senate Bill No. 454.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 454, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

SENATE BILL NO. 454, 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, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 531, with the following amendments:

In line 1 of the title after "education;" strike "and setting forth powers and duties of the superintendent of public instruction;" and insert "amending section 28A.48.110; chapter 223, Laws of 1969 ex. sess. and RCW 28A.48.110; and"

On page 3, section 1, line 12, strike "not less than two days nor more than three days," and insert "[not less than two days nor more than three days.]"

On page 4, after line 20, insert a new section as follows:

"Sec. 2. Section 28A.48.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.48.110 are each amended to read as follows:

In each calendar year in which the state shall collect a property tax for the support of common schools, the superintendent of public instruction shall distribute the proceeds of such tax to each school district of the state operating a program approved by the state board of education, in the manner provided in this section.

Except as hereinafter provided, the amount to be distributed to each school district in each year shall be a fraction of the total amount available for distribution, the numerator of which fraction shall be the assessed valuation of all taxable property in such school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue, and the denominator of which fraction shall be the aggregate valuation of taxable property in all school districts entitled to a distribution under this section adjusted as to the property in each such district to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue: PROVIDED, That each nonhigh school district shall receive only three-fifths of the amount otherwise distributable to a school district as provided above and the remaining two-fifths of such amount shall be distributed to the high school district fund of the county in which the nonhigh school district is located.

The superintendent of public instruction shall make the distribution of funds

authorized in this section on or before the tenth day of each month by prorating the funds available on such distribution dates to the school districts entitled thereto: *PROVIDED, That funds otherwise distributed in the month of June of each odd-numbered year beginning with the month of June 1973 shall not be distributed until the tenth day of July of such year and shall be accounted for by the state as expenditures for the ensuing fiscal biennium.*”  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 531.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 531, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—43.

Voting nay: Senators Durkan, Metcalf, Ridder, Stortini, Washington—5.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 531, 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, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 559 with the following amendments:

On page 1, section 1, line 9 of the printed bill, being line 8 of the engrossed bill, after “facilities” insert “except institutions of higher learning”

On page 1, line 13 of the printed bill, being line 11 of the engrossed bill, after “agencies” insert “except institutions of higher learning”,  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 559.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 559, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 559, 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 7, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 690 with the following amendments:

On page 1, line 1 of the title after the semicolon and before "amending" insert "amending section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020;"

On line 6 of the title after "chapter" and before the comma strike "235" and insert "135"

On page 2, beginning on line 3, following section 1, add a new section as follows:

"Sec. 2. Section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020 are each amended to read as follows:

As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter shall mean the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils between their homes and schools: AND PROVIDED FURTHER, That nothing in any other section of this chapter, as now or hereafter amended, shall extend the scope of permissible transporting by metropolitan municipal corporations as set forth in this subsection."

Renumber the remaining sections consecutively.

On page 3, section 3, line 28 after the leaders insert "□,"

On page 3, section 3, line 29 after the leaders insert "□"

On page 3, section 4, line 31 after "chapter" and before the comma strike "235" and insert "135"

On page 9, section 7, beginning on line 16 of the printed engrossed bill, after "central city" strike everything down to and including "corporate limits" on line 28

On page 12, section 9, line 21 after "vehicle" and before "tax" insert "fuel"

On page 12, section 9, line 28 after "six" and before "miles" insert "roads", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Durkan, the Senate concurred in the House amendments to Engrossed Senate Bill No. 690.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 690, as

amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Peterson (Ted), Scott, Stortini, Twigg, Washington, Whetzel, Wilson—35.

Voting nay: Senators Donohue, Foley, Gissberg, Knoblauch, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Talley, Walgren, Woodall—13.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 690, 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 5, 1971.

Mr. President: The House has passed SENATE JOINT RESOLUTION NO. 38 with the following amendment:

On page 1, line 6 beginning with "Article" strike the balance of the bill and insert "the Constitution of the state of Washington by adding a new article to read as follows:

#### "ARTICLE . . .

(1) The county legislative body shall fix the salary of all elected county officials, except for judges of the superior and inferior courts. Any increase in salary for any officer except the members of the county legislative body may be received during his term of office.

(2) The members of the county legislative body may increase their own salaries but shall not receive such increase during the term of office in which the salary was raised, except that such an increase may be authorized and received by the members of the county legislative body if such action is taken during the period between February 1, 1973 and May 1, 1973. The provisions of section 5 of Article XI (Amendment 12), section 8 of Article XI, and section 1 of Article XXX (Amendment 54) insofar as they are inconsistent herewith are repealed.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate refuses to concur in the House amendment to Senate Joint Resolution No. 38 and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 465 with the following amendments:

On page 1, line 1 of the title after "Sound;" insert "amending section 9, chapter 18, Laws of 1935 as amended by section 6, chapter 15, Laws of 1967 and RCW 88.16.030;"

On page 1, line 5 of the title after "88.16.070;" insert "and"

On page 1, line 6 of the title after "88.16.100" insert a period and strike the balance of the title

On page 1, line 7 of the title before the period insert "and declaring an emergency"

On page 1, line 9 of the printed and engrossed bills, after the enacting clause insert a new section to read as follows:

"Section 1. Section 9, chapter 18, Laws of 1935 as amended by section 6, chapter 15, Laws of 1967 and RCW 88.16.030 are each amended to read as follows:

The board is authorized and shall have power to make rules and regulations not in conflict with this chapter covering the matters hereinafter set forth which shall have the force and effect of law until altered, repealed or set aside by action of the board:

(1) To establish the qualifications of pilots, provide for their examination and the issuance of licenses to qualified persons and to keep a register of licensed pilots and of vessels, operators and agents.

(2) To provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter.



(3) To fix the rates of pilotage for the waters covered by this chapter: PROVIDED, That no rate shall be changed by the board more than once in any twelve months' period: AND PROVIDED FURTHER, That the rates presently in effect shall remain in effect until changed by the board pursuant to this chapter: AND PROVIDED FURTHER, That no rate shall be increased, lowered or altered without a public hearing of which due notice [by registered letter], mailed at least [fifteen] twenty days prior to the date of hearing, shall have been [served upon] sent to all pilots licensed under this chapter to pilot vessels on the particular waters for which the change of rate is proposed and upon all vessel operators and agents who have registered with the board. The notice shall specify the waters for which the change of rate is sought and also the change proposed. The board may, despite anything in this chapter contained, fix extra compensation for extra services to vessels in distress and compensation for awaiting vessels or being carried to sea on vessels against the will of the pilot. In determining rates the board shall have the right to subpoena witnesses.

(4) To do such other things as are reasonable, necessary and expedient to insure proper and safe pilotage upon the waters covered by this chapter and to facilitate the efficient administration of this chapter.

All rules and regulations adopted by the board shall be printed, and a copy thereof shall be mailed to each licensed pilot and to every vessel operator or agent who has registered with the board. Such mailing shall be proved by the affidavit of the person mailing the same, filed with the records of the board, and such affidavit shall be conclusive as to such mailing. All rules and regulations shall be effective three days after the completion of such mailing."

Renumber remaining sections consecutively

On page 2, section 2, line 8 of both the printed and engrossed bills, after the period, strike all of the matter down to and including "this chapter" on line 13 and insert the following: "Every vessel [not so exempt,] not having two pilots holding current licenses issued by the United States Coast Guard on board shall, while entering and navigating into Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay, [employ a pilot licensed under the provisions of this chapter and shall be liable for any pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter] be subject to rules and regulations promulgated by the Washington Pilotage Commission insofar as such rules and regulations may require such vessel to employ a pilot licensed under the provisions of this chapter: PROVIDED, That the Washington Pilotage Commission, immediately after the effective date of this act, shall conduct a study of the need to require employment of pilots licensed under the provisions of this chapter on all vessels entering into Puget Sound and adjacent inland waters, together with an assessment of the legality and feasibility of such requirement. The commission shall report the results of such study together with recommended legislative action to the next session of the legislature."

On page 3 strike all of section 4

On page 3, after section 4 insert the following new section:

"NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions, and shall take effect immediately.",

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Engrossed Senate Bill No. 465.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 465, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 465, 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, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 567, and asks the Senate to recede therefrom.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Whetzel, the Senate receded from the Senate amendments to Engrossed House Bill No. 567.

## ROLL CALL

The Secretary called the roll and Engrossed House Bill No. 567, without the Senate amendments, passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 567, without the Senate amendments, having received the 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, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 214 and asks the Senate to recede therefrom,

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Wilson, the Senate refuses to recede from the Senate amendments to Engrossed Substitute House Bill No. 214, and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 214, and the Senate amendments thereto: Senators Wilson, Holman and Dore.

## MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House insists on its position and refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 51 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on

ENGROSSED SUBSTITUTE SENATE BILL NO. 51 and the House amendments thereto:  
Representatives Curtis, Polk and Randall.

MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Gissberg, the request of the House for a conference on Engrossed Substitute Senate Bill No. 51, and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 51, and the House amendments thereto: Senators Day, Murray and Ridder.

#### MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

Mr. President: The House refuses to recede from its amendments to SENATE BILL NO. 185 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on SENATE BILL NO. 185, and the House amendments thereto: Representatives Bottiger, Bluechel and Hatfield.

May 8, 1971.

MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Gissberg, the request of the House for a conference on Senate Bill No. 185, and the House amendments thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 185, and the House amendments thereto: Senators Walgren, Peterson (Ted) and Wilson.

#### MOTION

On motion of Senator Gissberg, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 684 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

#### MOTION

On motion of Senator Day, the Senate insists on its position on House Bill No. 684 and the Senate amendments thereto and asks the House to recede therefrom.

#### MESSAGE FROM THE HOUSE

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 291 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 8, 1971.

## MOTION

On motion of Senator Walgren, the Senate adheres to its position on Engrossed House Bill No. 291, and the Senate amendments thereto 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. 291 and the Senate amendments thereto: Senators Walgren, Huntley and Keefe.

## MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 457 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Walgren, the Senate refused to recede from the Senate amendments to Engrossed Substitute House Bill No. 457, and asks the House for a conference thereon.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 457, and the Senate amendments thereto: Senators Walgren, Woodall and Knoblauch.

## MOTION

On motion of Senator Greive, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 4, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, enacting a Uniform Controlled Substances Act, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that the substitute bill do pass.

"An Act relating to controlled substances; enacting the Uniform Controlled Substances Act; repealing section 2072, Code of 1881, section 418, chapter 249, Laws of 1909, section 4, chapter 205, Laws of 1963, and RCW 9.91.030; repealing section 69.33.220, chapter 27,

Laws of 1959, section 7, chapter 256, Laws of 1969 ex. sess., and RCW 69.33.220; repealing sections 69.33.230 through 69.33.280, chapter 27, Laws of 1959, and RCW 69.33.230 through 69.33.280; repealing section 69.33.290, chapter 27, Laws of 1959, section 1, chapter 97, Laws of 1959, and RCW 69.33.290; repealing section 69.33.300, chapter 27, Laws of 1959, section 8, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.300; repealing sections 69.33.310 through 69.33.400; chapter 27, Laws of 1959, and RCW 69.33.310 through 69.33.400; repealing section 69.33.410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963, and RCW 69.33.410; repealing sections 69.33.420 through 69.33.440, 69.33.900 through 69.33.950, chapter 27, Laws of 1959, and RCW 69.33.420 through 69.33.440, 69.33.900 through 69.33.950; repealing section 255, chapter 249, Laws of 1909 and RCW 69.40.040; repealing section 1, chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939, section 1, chapter 57, Laws of 1945, section 1, chapter 24, Laws of 1955, section 1, chapter 49, Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.060; repealing section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69.40.061; repealing section 21, chapter 38, Laws of 1963 and RCW 69.40.063; repealing section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070; repealing section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075; repealing section 1, chapter 205, Laws of 1963, and RCW 69.40.080; repealing section 2, chapter 205, Laws of 1963 and RCW 69.40.090; repealing section 3, chapter 205, Laws of 1963 and RCW 69.40.100; repealing section 11, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.110; repealing section 1, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.120; repealing section 1, chapter 80, Laws of 1970 ex. sess.; adding new chapter 69.50 RCW to Title 69 RCW; defining crimes; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

“UNIFORM CONTROLLED SUBSTANCES ACT

ARTICLE I  
DEFINITIONS

*NEW SECTION.* Section 69.50.101. Definitions. As used in this act:

(a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or  
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) “Bureau” means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) “Controlled substance” means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) “Dispense” means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) “Dispenser” means a practitioner who dispenses.

(i) “Distribute” means to deliver other than by administering or dispensing a controlled substance.

(j) “Distributor” means a person who distributes.

(k) “Drug” means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) “Immediate precursor” means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical

synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 69.50.201 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this act, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

## ARTICLE II STANDARDS AND SCHEDULES

**NEW SECTION.** Sec. 69.50.201. Authority to Control. (a) The state board of pharmacy shall administer this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;

- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability; and

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this act after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the bureau, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

**NEW SECTION.** Sec. 69.50.202. Nomenclature. The controlled substances listed or to be listed in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 are included by whatever official, common, usual, chemical, or trade name designated.

**NEW SECTION.** Sec. 69.50.203. Schedule I Tests. The state board of pharmacy shall place a substance in Schedule I if it finds that the substance:

(1) has high potential for abuse; and

(2) has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

**NEW SECTION.** Sec. 69.50.204. Schedule I. (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;
- (9) Betamethadol;
- (10) Betaprodine;
- (11) Clonitazene;
- (12) Dextromoramide;
- (13) Dextrorphan;
- (14) Diampromide;
- (15) Diethylthiambutene;
- (16) Dimenoxadol;
- (17) Dimpheptanol;
- (18) Dimethylthiambutene;
- (19) Dioxaphetyl butyrate;
- (20) Dipipanone;
- (21) Ethylmethylthiambutene;
- (22) Etonitazene;
- (23) Etoxadine;
- (24) Furethidine;
- (25) Hydroxypethidine;
- (26) Ketobemidone;
- (27) Levomoramide;
- (28) Levophenaclymorphane;
- (29) Morpheridine;
- (30) Noracymethadol;
- (31) Norlevorphanol;
- (32) Normethadone;
- (33) Norpipanone;
- (34) Phenadoxone;

- (35) Phenampromide;
- (36) Phenomorphan;
- (37) Phenoperidine;
- (38) Pirtramide;
- (39) Proheptazine;
- (40) Properidine;
- (41) Racemoramide;
- (42) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Etorphine;
- (10) Heroin;
- (11) Hydromorphanol;
- (12) Methyldesorphine;
- (13) Methyldihydromorphine;
- (14) Morphine methylbromide;
- (15) Morphine methylsulfonate;
- (16) Morphine-N-Oxide;
- (17) Myrophine;
- (18) Nicocodeine;
- (19) Nicomorphine;
- (20) Normorphine;
- (21) Phocloidine;
- (22) Thebacon.

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- (3) 3,4,5-trimethoxy amphetamine;
- (4) Bufotenine;
- (5) Diethyltryptamine;
- (6) Dimethyltryptamine;
- (7) 4-methyl-2,5-dimethoxyamphetamine;
- (8) Ibogaine;
- (9) Lysergic acid diethylamide;
- (10) Marihuana;
- (11) Mescaline;
- (12) Peyote;
- (13) N-ethyl-3-piperidyl benzilate;
- (14) N-methyl-3-piperidyl benzilate;
- (15) Psilocybin;
- (16) Psilocyn;
- (17) Tetrahydrocannabinols.

**NEW SECTION. Sec. 69.50.205. Schedule II Tests.** The state board of pharmacy shall place a substance in Schedule II if it finds that:

- (1) the substance has high potential for abuse;
- (2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
- (3) the abuse of the substance may lead to severe psychic or physical dependence.

**NEW SECTION. Sec. 69.50.206. Schedule II.** (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and



any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Dihydrocodeine;
- (5) Diphenoxylate;
- (6) Fentanyl;
- (7) Isomethadone;
- (8) Levomethorphan;
- (9) Levorphanol;
- (10) Metazocine;
- (11) Methadone;
- (12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (13) Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (14) Pethidine;
- (15) Pethidine—Intermediate—A 4-cyano-1-methyl-4-phenylpiperidine;
- (16) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- (17) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (18) Phenazocine;
- (19) Piminodine;
- (20) Racemethorphan;
- (21) Racemorphran.

NEW SECTION. Sec. 69.50.207. Schedule III Tests. The state board of pharmacy shall place a substance in Schedule III if it finds that:

- (1) the substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

NEW SECTION. Sec. 69.50.208. Schedule III. (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Phenmetrazine and its salts;
- (3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (4) Methylphenidate.

(c) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other Schedules;

- (2) Chlorhexadol;
- (3) Glutethimide;
- (4) Lysergic acid;
- (5) Lysergic acid amide;
- (6) Methyprylon;
- (7) Phencyclidine;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100

milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The state board of pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

*NEW SECTION.* Sec. 69.50.209. Schedule IV Tests. The state board of pharmacy shall place a substance in Schedule IV if it finds that:

(1) the substance has a low potential for abuse relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

*NEW SECTION.* Sec. 69.50.210. Schedule IV. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Barbital;
- (2) Chloral betaine;
- (3) Chloral hydrate;
- (4) Ethchlorvynol;
- (5) Ethinamate;
- (6) Methohexital;
- (7) Meprobamate;
- (8) Methylphenobarbital;
- (9) Paraldehyde;
- (10) Petrichloral;
- (11) Phenobarbital.

(c) The state board of pharmacy may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

*NEW SECTION.* Sec. 69.50.211. Schedule V Tests. The state board of pharmacy shall place a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

*NEW SECTION.* Sec. 69.50.212. Schedule V. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

*NEW SECTION.* Sec. 69.50.213. Republishing of Schedules. The state board of pharmacy shall at least semiannually for two years from the effective date of this act and thereafter annually consider the revision of the schedules published pursuant to chapter 34.04 RCW.

### ARTICLE III

#### REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES

*NEW SECTION.* Sec. 69.50.301. Rules. The state board of pharmacy may promulgate rules and charge reasonable fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

*NEW SECTION.* Sec. 69.50.302. Registration Requirements. (a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the state board of pharmacy in accordance with its rules.

(b) Persons registered by the board under this act to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment; PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners without an order;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety; PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this act unless the specific exemption is denied pursuant to section 69.50.305 for violation of any provisions of this act.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

*NEW SECTION.* Sec. 69.50.303. Registration. (a) The state board of pharmacy shall register an applicant to manufacture or distribute controlled substances included in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this act;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under section 69.50.302(d) of this act, to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal

law respecting registration entitles them to be registered under this act upon application and payment of the required fee.

**NEW SECTION. Sec. 69.50.304. Revocation and Suspension of Registration.** (a) A registration, or exemption from registration, under section 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this act;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

**NEW SECTION. Sec. 69.50.305. Procedure for Denial, Suspension or Revocation of Registration.** (a) Any registration, or exemption from registration, issued pursuant to the provisions of this act shall not be denied, suspended, or revoked unless the board denies, suspends, or revokes such registration, or exemption from registration, by proceedings consistent with the administrative procedure act, chapter 34.04 RCW.

(b) The board may suspend any registration simultaneously with the institution of proceedings under section 69.50.304, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

**NEW SECTION. Sec. 69.50.306. Records of Registrants.** Persons registered, or exempted from registration under 69.50.302(d), to manufacture, distribute, dispense, or administer controlled substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the state board of pharmacy issues.

**NEW SECTION. Sec. 69.50.307. Order Forms.** Controlled substances in Schedule I and II shall be distributed by a registrant or person exempt from registration under 69.50.302(d) to another registrant, or person exempt from registration under 69.50.302(d), only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

**NEW SECTION. Sec. 69.50.308. Prescriptions.** (a) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner.

(b) In emergency situations, as defined by rule of the state board of pharmacy, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of section 69.50.306. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under RCW 69.04.560, shall not be dispensed without a written or oral prescription of a practitioner. Any oral prescription must be promptly reduced to writing. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

(d) A valid prescription or lawful order of a practitioner, in order to be effective in legalizing the possession of controlled substances, must be issued in good faith for a legitimate medical purpose by one authorized to prescribe the use of such controlled substance. An order purporting to be a prescription not in the course of professional treatment is not a valid prescription or lawful order of a practitioner within the meaning and intent of this act; and the person who knows or should know that he is filling such an order, as well as the person issuing it, can be charged with a violation of this chapter.

(e) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

**NEW SECTION. Sec. 69.50.309. Containers.** A person to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner, and the owner of any animal for which such controlled substance has been prescribed, sold, or dispensed may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

ARTICLE IV  
OFFENSES AND PENALTIES

**NEW SECTION.** Sec. 69.50.401. Prohibited Acts A—Penalties. (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (d) of this section.

(d) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

**NEW SECTION.** Sec 69.50.402. Prohibited Acts B—Penalties. (a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of section 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(4) to refuse an entry into any premises for any inspection authorized by this act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

**NEW SECTION.** Sec. 69.50.403. Prohibited Acts C—Penalties. (a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by section 69.50.307 of this act;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To obtain or attempt to obtain a controlled substance, or procure or attempt to procure the administration of a controlled substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or (ii) by forgery or alteration of a prescription or any written order; or (iii) by the concealment of material fact; or (iv) by the use of a false name or the giving of a false address.

(4) To falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(5) To make or utter any false or forged prescription or false or forged written order.

(6) To affix any false or forged label to a package or receptacle containing controlled substances.

(7) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(8) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of such substance, shall not be deemed a privileged communication.

(c) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

**NEW SECTION.** Sec. 69.50.404. Penalties Under Other Laws. Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

**NEW SECTION.** Sec. 69.50.405. Bar to Prosecution. If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

**NEW SECTION.** Sec. 69.50.406. Distribution to Persons Under Age 18. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by section 69.50.401(a)(1)(i), or by both. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by section 69.50.401(a)(1)(ii), (iii), or (iv), or both.

**NEW SECTION.** Sec. 69.50.407. Conspiracy. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

**NEW SECTION.** Sec. 69.50.408. Second or Subsequent Offenses. (a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) This section does not apply to offenses under section 69.50.401(c).

## ARTICLE V

### ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

**NEW SECTION.** Sec. 69.50.500. Powers of Enforcement Personnel.

(a) It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this act.

(b) Employees of the Washington state board of pharmacy, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this act.

**NEW SECTION.** Sec. 69.50.501. Administrative Inspections. The state board of pharmacy may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(a) places where persons registered or exempted from registration requirements under this act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When authorized by an administrative inspection warrant issued pursuant to section 69.50.502 of this act an officer or employee designated by the board, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the board may:

(a) inspect and copy records required by this act to be kept;

(b) inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (5) of this section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this act; and

(c) inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with chapter 34.04 RCW, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(a) if the owner, operator, or agent in charge of the controlled premises consents;

(b) in situations presenting imminent danger to health or safety;

(c) in situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or,

(e) in all other situations in which a warrant is not constitutionally required;

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

**NEW SECTION.** Sec. 69.50.502. Warrants for Administrative Inspections. Issuance and execution of administrative inspection warrants shall be as follows:

(1) A judge of a superior court, or a judge of a district court within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this act or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this act or rules hereunder, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer or employee having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(a) state the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(b) be directed to a person authorized by section 69.50.500 to execute it;

(c) command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(d) identify the item or types of property to be seized, if any;

(e) direct that it be served during normal business hours and designate the judge to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court in which the inspection was made.

**NEW SECTION.** Sec. 69.50.503. Injunctions. (a) The superior courts of this state have jurisdiction to restrain or enjoin violations of this act.

(b) The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

**NEW SECTION.** Sec. 69.50.504. Cooperative Arrangements. The state board of pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

**NEW SECTION.** Sec. 69.50.505. Forfeitures. (a) The following are subject to forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this act;

(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;

(ii) no conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) a conveyance is not subject to forfeiture for a violation of section 69.50.401(c); and

(iv) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(b) Property subject to forfeiture under this act may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this act;

(3) a board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to subsection (b), proceedings under subsection (d) shall be instituted promptly.

(d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the board or seizing law enforcement agency subject only to the orders and decrees of the superior court having jurisdiction over the forfeiture proceedings. When property is seized under this act, the board or seizing law enforcement agency may:

(1) place the property under seal;

(2) remove the property to a place designated by it; or

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this act the board or seizing law enforcement agency may:

(1) retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this act;

(2) sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau for disposition.

(f) Controlled substances listed in Schedule I, II, III, IV and V that are possessed, transferred, sold, or offered for sale in violation of this act are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(g) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(h) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

**NEW SECTION. Sec. 69.50.506. Burden of Proof; Liabilities.** (a) It is not necessary for the state to negate any exemption or exception in this act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this act, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.



(c) No liability is imposed by this act upon any authorized state, county or municipal officer, engaged in the lawful performance of his duties.

**NEW SECTION.** Sec. 69.50.507. Judicial Review. All final determinations, findings and conclusions of the state board of pharmacy under this act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the superior court wherein he resides or in the superior court of Thurston county, such review to be in conformity with the administrative procedure act, chapter 34.04 RCW.

**NEW SECTION.** Sec. 69.50.508. Education and Research. (a) The state board of pharmacy may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(1) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(5) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(6) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(b) The board may encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this act, it may:

(1) establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act;

(ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and,

(iii) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and,

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(c) The board may enter into contracts for educational and research activities without performance bonds.

(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(e) The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

**NEW SECTION.** Sec. 69.50.509. Search and Seizure of Controlled Substances. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, justice of the peace, district court judge or municipal judge that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this act.

**NEW SECTION.** Sec. 69.50.510. Recording. The provisions of chapter 9.73 RCW shall not be applicable to the transmitting or recording of any private conversation or communication by any means by law enforcement authorities when a violation of any of the provisions of this chapter is involved and the authorities have the consent of one of the parties to said conversation or communication.

**NEW SECTION.** Sec. 69.50.511. Immunity. Whenever, in the judgment of a

prosecuting attorney, evidence is available from any person relative to an offense described in this chapter, a prosecuting attorney may apply to a superior court for a grant of immunity concerning the testimony given or expected to be given by such person. If the court grants immunity, the person thereafter shall not be prosecuted or subjected to any penalty or forfeiture concerning any matter revealed upon which he was granted immunity, except for perjury or contempt upon his failure to testify concerning said matter.

ARTICLE VI  
MISCELLANEOUS

*NEW SECTION.* Sec. 69.50.601. Pending Proceedings. (a) Prosecution for any violation of law occurring prior to the effective date of this act is not affected or abated by this act. If the offense being prosecuted is similar to one set out in Article IV of this act, then the penalties under Article IV apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this act.

(c) All administrative proceedings pending under prior laws which are superseded by this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the act. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) The state board of pharmacy shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.

(e) This act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

*NEW SECTION.* Sec. 69.50.602. Continuation of Rules. Any orders and rules promulgated under any law affected by this act and in effect on the effective date of this act, and not in conflict with it continue in effect until modified, superseded or repealed.

*NEW SECTION.* Sec. 69.50.603. Uniformity of Interpretation. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

*NEW SECTION.* Sec. 69.50.604. Short Title. This act may be cited as the Uniform Controlled Substances Act.

*NEW SECTION.* Sec. 69.50.605. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

*NEW SECTION.* Sec. 69.50.606. Repealers. The laws specified below 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:

- (1) Section 2072, Code of 1881, section 418, chapter 249, Laws of 1909, section 4, chapter 205, Laws of 1963 and RCW 9.91.030;
- (2) Section 69.33.220, chapter 27, Laws of 1959, section 7, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.220;
- (3) Sections 69.33.230 through 69.33.280, chapter 27, Laws of 1959 and RCW 69.33.230 through 69.33.280;
- (4) Section 69.33.290, chapter 27, Laws of 1959, section 1, chapter 97, Laws of 1959 and RCW 69.33.290;
- (5) Section 69.33.300, chapter 27, Laws of 1959, section 8, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.300;
- (6) Sections 69.33.310 through 69.33.400, chapter 27, Laws of 1959 and RCW 69.33.310 through 69.33.400;
- (7) Section 69.33.410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963 and RCW 69.33.410;
- (8) Sections 69.33.420 through 69.33.440, 69.33.900 through 69.33.950, chapter 27, Laws of 1959 and RCW 69.33.420 through 69.33.440, 69.33.900 through 69.33.950;
- (9) Section 255, chapter 249, Laws of 1909 and RCW 69.40.040;
- (10) Section 1, chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939, section 1, chapter 57, Laws of 1945, section 1, chapter 24, Laws of 1955, section 1, chapter 49, Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.060;
- (11) Section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69.40.061;
- (12) Section 21, chapter 38, Laws of 1963 and RCW 69.40.063;
- (13) Section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070;
- (14) Section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075;
- (15) Section 1, chapter 205, Laws of 1963 and RCW 69.40.080;
- (16) Section 2, chapter 205, Laws of 1963 and RCW 69.40.090;
- (17) Section 3, chapter 205, Laws of 1963 and RCW 69.40.100;
- (18) Section 11, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.110;

(19) Section 1, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.120; and

(20) Section 1, chapter 80, Laws of 1970 ex. sess.

**NEW SECTION. Sec. 69.50.607. Effective Date.** 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.

**NEW SECTION. Sec. 69.50.608.** This act shall constitute a new chapter 69.50 RCW in Title 69 RCW."

Signed by: Senators Day, Holman and Fleming; Representatives Eikenberry, Jastad and Curtis.

#### MOTION

On motion of Senator Holman, the report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 146 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 146, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senator Francis—1.

Excused: Senator Stender—1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 146, 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, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Sandison, the Senate receded from the Senate amendments to Engrossed House Concurrent Resolution No. 20.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 20, without the Senate amendments, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 20, without the Senate amendments, having received the constitutional majority, was declared passed.

REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 86, reorganizing powers, duties and functions within intermediate school districts, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

"An Act relating to education; amending section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030; amending section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040; amending section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060; amending section 7, chapter 176, Laws of 1969 ex. sess., as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070; amending section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080; amending section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090; amending section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100; amending section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110; amending section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120; amending section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130; amending section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140; amending section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160; amending section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170; amending section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180; amending section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190; amending section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080; amending section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050; amending section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100; amending section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186; amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100; amending section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW; repealing section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150; repealing section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230; repealing section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020; repealing section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040; repealing section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050; repealing section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060; repealing section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070; repealing section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080; repealing section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073; creating new sections; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this [1969 amendatory act] *chapter* to reorganize existing [offices of county superintendent of schools and county boards of education into] intermediate school district offices in order [that the territorial organization of the intermediate school districts may be more readily and efficiently adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities] to:

(1) Establish intermediate school district offices as regional educational service agencies which will provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties;

(3) Make the territorial organization of intermediate school district offices as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state; and

(4) Provide the pupils within the state with equal educational opportunities.

Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

(1) On or before July 1, 1969, the state board of education shall create a system of intermediate school districts, the boundaries of each of which shall be compatible with the state-wide plan of potential intermediate districts heretofore adopted by the state board of education pursuant to section 3, chapter 139, Laws of 1965 and RCW 28.19.320. Prior to the creation of such system and the boundaries of the individual intermediate school districts, the state board may make such changes in that state-wide plan and those boundaries as it deems consistent with the purposes stated in RCW 28A.21.010. Prior to the creation of such system and districts the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

(2) The state board of education [may], at any time it deems advisable [,] or upon petition of any intermediate school district board [of education], may make [such] changes in the number and boundaries of the intermediate school districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the intermediate school districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.21.010 [as now enacted or hereafter amended]: *PROVIDED*, That no intermediate school district may be eliminated through consolidation with another district without the consent of the board of the intermediate school district which would be eliminated. 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.

The state board in [the formation of or] making any change in boundaries [as provided in subsections (1) and (2) above,] shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

(3) The [state] superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable [county or] intermediate school district boards and superintendents to consider the [initial] proposed [plan as provided in subsection (1) above, its districts and] changes [thereto. Such personnel, material, supplies and information shall thereafter be furnished to intermediate school district boards of education and superintendents when proposed changes are in question.

Intermediate districts created pursuant to chapter 139, Laws of 1965 as amended shall be called intermediate school districts and shall be subject to all of the provisions of this 1969 amendatory act].

Sec. 3. Section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this section, in each intermediate school district there shall be an intermediate school district board [of education, which shall] consisting of seven members elected by the voters of the intermediate school district, one from each of seven intermediate school district board-member districts [, such]. Board-member districts [to be] in districts reorganized under section 2 of this 1971 amendatory act, or as provided for in section 4 of this 1971 amendatory act and under this section, shall be initially determined by the state board of education [on or before July 1, 1969]. If a reorganization pursuant to section 2 of this 1971 amendatory act places the residence of a board member into another or newly created intermediate school district, such member shall serve on the board of the intermediate school district of residence until the next general school election at which time a new seven member board shall be elected. If the redrawing of board member district boundaries pursuant to this chapter shall cause the resident board member district of two or more board members to coincide, such board members shall continue to serve on the board until the next general school election at which time a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing intermediate school district boards. Each intermediate school district board member shall be elected by the [qualified] registered voters [in his] of the respective board member district [only]. [At least] Beginning in 1971 and every [four] ten years thereafter, intermediate school district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: *PROVIDED*, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be redrawn for the purposes of the next general school election immediately following the effective date of this 1971 amendatory act and the next general school election immediately following any reorganization pursuant to this chapter. Such district board [may], if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, [may] shall decide such questions.

Election of board members shall be held at the time of the general school election [commencing with the general school election of 1969]. Such election shall be called and notice thereof given by the county auditor of each county in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official who conducts the general school election for first class school districts.

Filing for candidacy for the intermediate school district board shall be with the county auditor of the headquarters county of the intermediate school district not more than sixty days nor less than forty-six days prior to the general school election, and the auditor shall certify the names of candidates to the officials conducting the elections in the board-member districts [, except that for the elections to be conducted in November, 1969, the filings shall be with the county auditor of the most populous county in the intermediate school district who shall make such certifications].

The term of office for each board member shall be four years and until [his] a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each intermediate school district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years.

*Any intermediate school district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions numbered eight and nine shall be filled at the next general school election, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.*

The term of every intermediate school district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken [at which time the term of all existing county or intermediate district board members shall terminate and all duties of county board members affecting the county office shall be assumed by the new intermediate school district board serving those counties. Each intermediate school district board shall be organized at the first meeting of the board after the beginning of such term]. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the intermediate school district board [of education]. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until the next general school election, at which time there shall be elected a member to fill the unexpired term.

[After July 1, 1969, the then incumbent county and intermediate district board members who reside in the newly created intermediate school districts shall meet at the call of the then incumbent intermediate district superintendent or county superintendent of the most populous county in the newly created district, and elect from among their number board members for the new district, one from each board member district, to serve until the new intermediate school district board assumes office.]

No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an intermediate school district board at the same time.

**NEW SECTION.** Sec. 4. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Any intermediate school district board which elects under section 3 of this 1971 amendatory act to increase the size of the intermediate school district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven intermediate school board members. In such case the term of office of all existing intermediate school board members shall expire at the next general school election and seven intermediate school board members shall be elected in accordance with the provisions of section 3 of this 1971 amendatory act.

**NEW SECTION.** Sec. 5. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Absence of any intermediate school district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the intermediate school district board to declare by resolution that such board member position is vacated.

Sec. 6. Section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040 are each amended to read as follows:

Every school district must be included entirely within a single intermediate school district [and within a single board member district thereof]. If the boundaries of any school district within an intermediate school district are changed in any manner so as to extend the school district beyond the boundaries of that intermediate school district, the state board shall change the boundaries of the intermediate school districts so affected [so that all of the school district as constituted by such change of boundaries shall be included within one intermediate school district] in a manner consistent with the purposes of section 1 of this 1971 amendatory act and this section.

Sec. 7. Section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for member of the intermediate school district board [of education] shall be a [qualified] registered voter and a resident of the board-member district for which [he] such candidate files [, and shall not be an employee of any school district]. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington [,] and to faithfully discharge the duties of [his] the office according to the best of [his] such member's ability. The members of the board shall not be required to give bond unless so directed by the state board of education. At the first meeting after each general school election and after the qualification for office of the newly elected members, each intermediate school district board shall reorganize by electing a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

Sec. 8. Section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060 are each amended to read as follows:

[All members of the intermediate school district board of education shall be reimbursed for their travel expenses and subsistence while engaged in the performance of their duties under this 1969 amendatory act in accordance with expenses allowable under RCW 43.03.050 and 43.03.060, as now or hereafter amended.] *The actual expenses of intermediate school board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended;* all such claims shall be approved by the intermediate school district board [of education] and paid from the budget of the intermediate school district.

Sec. 9. Section 7, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070 are each amended to read as follows:

Every intermediate school district board [of education] shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. [The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions of the existing superintendents within the intermediate school district shall continue to receive the salary of that office as prescribed by law existing immediately prior to April 25, 1969 to be paid by such intermediate school district. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents within the district and, thereafter, such chairman shall represent such superintendents in matters of concern to the intermediate school district.]

Sec. 10. Section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080 are each amended to read as follows:

To be eligible for appointment to the office of intermediate school district superintendent, in addition to any other requirements under other provisions of the law, a candidate must have [completed five years of regular, accredited work in one or more recognized institutions of higher learning; have] a valid principal's or superintendent's credential of the state of Washington [, and have three or more years' experience in educational administration in the common schools or in the office of a county or intermediate district superintendent or office of an intermediate school district superintendent] or meet other criteria specifically established by the state board of education as representing appropriate training and qualification for the office of intermediate school district superintendent; but anyone serving as a legally qualified county or intermediate district superintendent or deputy county or intermediate district superintendent in the state of Washington on April 25, 1969 may be deemed qualified to hold the office of intermediate school district superintendent.

NEW SECTION. Sec. 11. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties as provided by law, every intermediate school district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the intermediate school district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the intermediate school district.

(3) Establish cooperative service programs for school districts within the intermediate school district: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the intermediate school district shall seek the prior advice of the superintendents of local school districts within the intermediate school district.

*NEW SECTION.* Sec. 12. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties as provided by law, every intermediate school district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.71.100 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in chapter 28A.13 RCW and the state supervisor of recreation as provided in chapter 28A.14 RCW.

(3) Apportion such school funds other than state funds as otherwise authorized by law in a manner not in conflict with state or federal law or rules and regulations relating to the distribution and apportionment of such school funds.

(4) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(5) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in sections 29 and 30 of this 1971 amendatory act.

Sec. 13. Section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and 28A.21.090 are each amended to read as follows:

*In addition to other powers and duties as provided by law, every intermediate school district board [of education] shall [have the following additional powers and duties]:*

(1) Advise with and pass upon the recommendations of the intermediate school district superintendent in the preparation of [manuals, courses of study, and] rules and regulations for the circulating libraries *established pursuant to RCW 27.16.010.*

(2) [Adopt rules and regulations as it shall deem necessary for the schools of the intermediate school district, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction.

(3) Approve the budgets of the intermediate school district [, and certify to the board or boards of county commissioners the amount needed from county funds and to the state board of education the estimates of special service funds needed] *in accordance with the procedures provided for in this chapter.*

[(4)] (3) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman [,] or a majority of the board [, or the intermediate school district superintendent].

[(5) Assist the intermediate school district superintendent in] (4) Approve the selection of *intermediate school district* personnel and clerical staff as provided in [RCW 28A.21.100] *section 16 of this 1971 amendatory act.*

[(6)] (5) Fix the amount of and approve the *bonds for those intermediate school district [superintendent's bond] employees designated by the board as being in need of bonding.*

[(7) Exercise careful supervision over the common schools of the district and see that all provisions of the common school laws are observed and followed by teachers, supervisors, superintendents and school officers.

(8) Hear and decide all disputes concerning conflicting or incorrectly described school district boundaries.

(9) Hear and act upon appeals as provided in RCW 28A.88.020.]

(6) *Keep in the intermediate school district office a full and correct transcript of the boundaries of each school district within the intermediate school district.*

[(10)] (7) Acquire by purchase, lease [or], *devise, bequest, and gift and otherwise [.] contract for real and personal property necessary for the operation of the intermediate school district and to the execution of the duties of the board and superintendent thereof [.] and [to] sell, lease, or otherwise dispose of that property not [so] necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.*

[(11)] (8) Adopt such bylaws [,] and rules and regulations for its own [government] operation as it deems necessary or appropriate.

[(12)] (9) Enter into contracts, *including contracts with common and intermediate school districts for the joint financing of cooperative service programs conducted pursuant to section 11 (3) of this 1971 amendatory act,* and employ consultants and legal counsel relating to any of the duties, functions, and powers of the *intermediate school districts.*

*NEW SECTION.* Sec. 14. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties prescribed by law every intermediate school district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at state-wide meetings of intermediate school district board members.

(2) Pay dues from intermediate school district funds in an amount not to exceed one hundred dollars per board member per year for membership in a state-wide association of intermediate school district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the intermediate school district boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school



directors' association or with the superintendent of public instruction for staff and informational services.

**NEW SECTION.** Sec. 15. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Each intermediate school district board, by written order filed in the headquarters office, may delegate to the intermediate school district superintendent any of the powers and duties vested in or imposed upon the board by this 1971 amendatory act or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the intermediate school district superintendent in the name of the board.

Sec. 16. Section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100 are each amended to read as follows:

The intermediate school district superintendent may appoint with the consent of the intermediate school district board of education assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of [his] the office at such salaries as may be determined by the intermediate school district board of education [,] and shall pay such salaries out of the budget of the district. [All assistant intermediate school district superintendents shall qualify in the same manner as the intermediate school district superintendent; and] In the absence of the intermediate school district superintendent a *designated assistant superintendent* shall perform the duties of the office. The intermediate school district superintendent shall have the authority to appoint [a qualified deputy] *on an acting basis an assistant superintendent* to perform any of the duties of the office.

Sec. 17. Section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110 are each amended to read as follows:

*In addition to other powers and duties as provided by law, each intermediate school district superintendent shall:*

(1) Serve as chief executive officer of the intermediate school district and secretary of the intermediate school district board.

(2) Visit the schools in [his] the intermediate school district, counsel with directors and [teachers] staff, and assist in every possible way to advance the educational interest in [his] the intermediate school district.

(3) [Distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions, rules and regulations, and decisions of the superintendent of public instruction, as provided by law; enforce any outline course of study adopted by the state board of education or course of study adopted by any other lawful authority, and enforce any rules and regulations promulgated therefor] *Perform such record keeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.*

(4) [Keep on file and preserve in his office the biennial reports of the superintendent of public instruction and such other reports pertinent to the operation of his intermediate district.

(5)] *Keep records of [his] official acts [and those] of the intermediate school district board and superintendents in accordance with section 18 of this 1971 amendatory act.*

[(6)] (5) *Preserve carefully all reports of school officers and teachers and [at the close of his term of office] deliver to [his] the successor of the office all records, books, documents, and papers belonging to the office either personally [,] or through [his] a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where [his] the office is located.*

[(7)] (6) *Administer oaths and affirmations to school directors, teachers, and other persons on [all] official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.*

[(8)] *Suspend any teacher who may be teaching in his district, against whom he files charges; in case of any such suspension he shall immediately notify the superintendent of public instruction of his action and shall clearly and fully state his reasons for his action.*

(9) *Keep an official record of all persons under contract to teach in the schools of his intermediate school district, showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school with the length of term in days.*

(10) *Make an annual report to the superintendent of public instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks and such other matters as the superintendent of public instruction shall direct.*

(11) *Keep in his office a full and correct transcript of the boundaries of each school district in the intermediate school district, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county*

commissioners of the county in which the affected districts are located, and shall file with them a complete transcript of the boundaries of all school districts therein affected by his action, which shall be entered upon the journal of that board and become a part of its records. In the event of a dispute over such boundaries, the intermediate school district board shall hear and decide the matter. The intermediate school district superintendent shall, on request, furnish school district clerks with descriptions of the boundaries of their respective districts.

(12) Apportion school funds in the manner not in conflict with state law or the rules or regulations relating to distribution and apportionment of school funds.

(13) Conduct such examination of teachers and make such records thereof as may be prescribed by law. He shall give ten days' notice of each examination by publication in some newspaper of general circulation published in each county in his district, or if there be no newspaper, then by posting up handbills, or otherwise.

(14) Hold teachers' institutes according to law, and conduct such other meetings of the teachers of his intermediate school district as may be for the best interests of the schools; and attend other meetings and conferences which may be of benefit to the schools of his intermediate school district.

(15) Hold at his option each year, one or more school directors' meetings.

(16) Furnish free of charge teachers' registers, clerks' record books, and other materials received free of charge from the superintendent of public instruction to all districts of his intermediate school district.

(17) Counsel with school boards on selection of school sites and whenever any board of directors of a school district of the third class shall be authorized, by the electors of that district, to erect a school building. It shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the intermediate school district superintendent, of the plans and specifications for the building to be erected, and the superintendent shall give special attention to the provisions made therein for heating, lighting and ventilation.

(18) Require all reports of school district officers, teachers and others to be made promptly as required by law.

(19) (7) Require the oath of office of all school district officers be filed in [his] *the intermediate school district office* [,] and [shall] furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located [, upon blanks furnished by the superintendent of public instruction,] as soon as the election or appointment of such officers is determined and their oaths placed on file.

[(20) Prepare an annual budget for the district for approval by the intermediate school district board of education.

(21) Serve as a member of the transportation commission as provided by RCW 28A.24.080.

(22) (8) Assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

[(23) Cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28A.13.020.

(24) Cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28A.14.020.

(25) (9) Enforce the provisions of the compulsory attendance law as provided in chapters 28A.27 and [chapter] 28A.28 RCW.

[(26) Certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(27) (10) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.56 RCW.

[(28) (11) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.57 RCW.

[(29) (12) Perform all other duties prescribed by law [or] *and* the intermediate school district board.

Sec. 18. Section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120 are each amended to read as follows:

The intermediate school district board [of education] shall designate the headquarters office of the intermediate school district. The board of county commissioners in each county shall provide the intermediate school district superintendent *and employees* with suitable quarters and office *for the operations of the intermediate school district*. Official records of the intermediate school district board and superintendent, [and of] *including* each of the county superintendents [of counties within the intermediate school district, shall prior to January 1, 1971, be transferred to and thereafter] *abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the intermediate school district superintendent. [Where a county is divided into two or more intermediate school districts] Whenever the boundaries of any of the intermediate school districts are reorganized pursuant to section 2 of this 1971 amendatory act, the state board of education shall supervise the transfer of such records so that each intermediate school district superintendent shall receive those records relating to school districts within [his] the appropriate intermediate school district.*

Sec. 19. Section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130 are each amended to read as follows:

For all actual and necessary travel in the performance of [his] official duties and while

in attendance upon meetings and conferences, each intermediate school district superintendent and [his necessary assistants] *employee* shall be [allowed] *reimbursed* for their actual traveling expenses and subsistence [in accordance with] *up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.* All claims shall be approved by the intermediate school district board [of education] and paid from the funds budgeted by the district. *Each intermediate school district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.*

*NEW SECTION.* Sec. 20. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for intermediate school districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW.

Sec. 21. Section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170 are each amended to read as follows:

The *biennial budget request* of [the] *each* intermediate school district shall be approved by the *respective* intermediate school district board [of education]. The budget shall and then [be] forwarded to the [state board of education] *superintendent of public instruction* for [its] *revision and approval as provided in section 22 of this 1971 amendatory act.* [Moneys received from the state superintendent of public instruction shall be paid to the county treasurer in the county wherein the intermediate school district headquarters office is located to be credited to intermediate school district special service fund, and the county treasurer of that county shall be the custodian of the fund, and the auditor of that county shall keep a record of receipts and disbursements, and shall draw and the county treasurer shall honor and pay the warrants.]

Sec. 22. Section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140 are each amended to read as follows:

The [state board of education] *superintendent of public instruction* shall examine and *revise the biennial budget request* of each intermediate school district and shall fix the amount to be [allocated thereto from] *requested in state funds [and certify to the state superintendent of public instruction the amount of state funds needed] for the intermediate school district [budgets as approved by the state board of education.] system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each intermediate school district and shall [require the state superintendent of public instruction to] allocate [this amount from the current state school fund or] quarterly the state's portion from funds [otherwise] appropriated for that purpose to the county treasurer of the headquarters county of the intermediate school district for deposit to the credit of the intermediate school district [special service] *general expense fund.**

In each intermediate school district, there [is hereby created] *shall be an intermediate school district [special service] general expense fund* into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this [1969 amendatory act] *chapter, and such moneys as are [not specifically] allocated from the county current expense funds, the county institute funds, the county circulating library funds and other funds of the intermediate school district, and such moneys shall be expended [by warrants drawn by the county auditor of the headquarters county of the intermediate school district upon vouchers approved] according to the method used by first or second class school districts, whichever is deemed most feasible* by the intermediate school district board [, except as otherwise provided in this 1969 amendatory act]. No vouchers for warrants other than moneys being distributed to the school districts [,] shall be approved for expenditures not budgeted by the intermediate school district board.

Sec. 23. Section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160 are each amended to read as follows:

[By January 11, 1971,] All funds under the control of the office of each [county superintendent or county board of education of each county combined into an] intermediate school district shall be combined into the intermediate school district *general expense fund* [s] and deposited in the office of the county treasurer of the county in which the intermediate school district headquarters office is located [, except that where a county becomes a part of two or more intermediate school districts, then only a portion of the funds of the office of county superintendent and county board of education shall be combined into the funds of each intermediate school district. The portion of such funds to be combined shall be determined as follows:

(1) Of the current expense fund of the county superintendent, that amount representing the same proportion as the assessed valuation of the property for tax purposes of the portion of the county being combined into the intermediate school district is to the assessed valuation of all county property.

(2) Of the county superintendent's special service fund, an amount determined by the state board of education.

(3) Of the county institute fund, the amount representing the same proportion as the number of teachers employed by school districts in the portion of the county being combined into the intermediate district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund]. *The superintendent of public instruction, by rule or regulation, shall provide by an established formula for the*

*proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more intermediate school districts. In case the boundaries of any of the intermediate school districts are changed, the superintendent of public instruction shall order an equitable transfer of such funds from one intermediate school district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county commissioners of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more intermediate school districts under section 24 of this 1971 amendatory act.*

Sec. 24. Section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180 are each amended to read as follows:

The county commissioners of each county shall pay the election costs of intermediate school board elections and shall pay each year from their county current expense fund to the intermediate school district [current] general expense fund of the intermediate school district or districts in which the county is located not less than the amount which the county appropriated to the budget of the county superintendent and/or intermediate district [superintendent] or districts and/or intermediate school district or districts for the year 1969. [Where only a portion of a county is a part of an intermediate school district, the amount to be paid by the county commissioners to the intermediate school district shall be based on an amount not less than that appropriated to the budget of the county or intermediate district superintendent for the year 1969 and determined by a ratio as described in RCW 28A.21.160 (1).] In addition the county commissioner of each county shall pay for services other than those of the county treasurer, auditor, and prosecutor provided to any county and/or intermediate district or districts and/or intermediate school district or districts for the year 1969 but not included in the 1969 budget of any county and/or intermediate district or districts and/or intermediate school district or districts. The county treasurers, auditors, and prosecutors shall provide their services without charge to the intermediate school districts.

**NEW SECTION.** Sec. 25. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Possession and title to any and all personal property or equity in such property purchased in whole or part with county, state, school district, or federal funds, or any combination of the above, for the use or direct benefit of an office of county superintendent or intermediate district and used and/or in the possession of such office fifty percent or more of the time during the period of January 1, 1969 through July 1, 1969, shall immediately be transferred to and vested in the intermediate school district encompassing the largest percentage of the common school students in the respective county. In the event of dispute regarding the transfer of property, the county board of commissioners or the intermediate school district board, within thirty days after the effective date of this 1971 amendatory act, may require the governor to form an arbitration committee to decide the dispute within sixty days of the request. Decisions of the arbitration committee shall be final. The committee membership shall consist of one member appointed by the governor, who shall serve as chairman of the arbitration committee and shall call its first meeting; one member appointed by the affected board of county commissioners; and one member appointed by the affected intermediate school district board: PROVIDED, That no member of the arbitration committee shall be a member of the appointing boards: PROVIDED FURTHER, If necessary to order an equitable transfer of property or equity in such property, the arbitration committee may waive any of the provisions of this section regarding use or possession of such property.

**NEW SECTION.** Sec. 26. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the county committee on school organization after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board of education for its approval or revision. Upon receipt of notification of state board of education action, the county committee on school organization shall transmit to the county commissioners of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 27. Section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190 are each amended to read as follows:

The prosecuting attorney for the county in which the headquarters office of the intermediate school district office is located [shall], if required by law to devote full time to the duties of his office, as a part of his duties, shall serve upon request as legal advisor to the intermediate school district board and superintendent in all matters relating to their official business. When requested by such board or superintendent, [he] the prosecuting attorney shall draw all instruments, give legal advice, and represent such board or superintendent with respect to all such matters and business: PROVIDED, That if the prosecuting attorney of the headquarters county is not required by law to devote full time to the duties of his office, then the prosecuting attorney of the county with the greatest population within the intermediate school district and who is by law required to devote full time to his duties shall act as the legal advisor to the district board and superintendent. The prosecuting attorneys of other counties within an intermediate school district, if required by law to devote their

full time to the duties of their office, shall be available to assist the headquarters county prosecuting attorney with respect to such matters and business: *PROVIDED, That on matters deemed of state-wide concern by the superintendent of public instruction or the state board of education, the superintendent or board may request the attorney general to provide written legal opinions regarding any matter before any intermediate school district.*

Sec. 28. Section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220 are each amended to read as follows:

The superintendents of all local school districts within an intermediate school district shall serve in an advisory capacity to the intermediate school district board and superintendent in matters pertaining to *budgets, programs, policy, and staff.*

*NEW SECTION.* Sec. 29. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

*NEW SECTION.* Sec. 30. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

Sec. 31. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The intermediate school district [superintendent must] *board may* arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training [,] in such manner and at such time as [he] *the board* believes will be of benefit to the teachers [of] *within the intermediate school district. [He] The board* may provide such additional means of teacher in-service training as [he] *it may deem necessary or appropriate* and there shall be a proper charge against the intermediate school district institute funds *and/or the intermediate school district general expense fund* when approved by the intermediate school district board.

Intermediate school district [superintendents] *boards* of contiguous intermediate school districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the intermediate school districts [superintendents] holding such joint institutes or workshops.

In *local school* districts employing more than one hundred teachers, the school district superintendent [, in his discretion,] may hold a teachers' institute of [two, three, four or five] *one or more* days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by intermediate school district superintendents.

Sec. 32. Section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes [,] for purposes of state reimbursement of transportation costs [,] shall be recommended by the [intermediate] school district transportation commission in *each school district* and approved by the [state] superintendent of public instruction pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall be *appointed by the superintendent of public instruction and shall consist of* (1) a representative of the local board of directors, (2) a representative of the [state] superintendent of public instruction, and (3) a *representative of the intermediate school district [superintendent] board.*

Sec. 33. Section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050 are each amended to read as follows:

The intermediate school district [superintendent] *board, after verifying such reports as provided for in RCW 28A.44.080 as hereinafter amended, shall certify, on or before the fifteenth day of August each year, to the appropriate county commissioners [, and to the county commissioners of such other counties as any high school district of his district may have claims against under the provisions of RCW 28A.44.045 through 28A.44.100,] the amount of each such high school district claim for the cost of educating nonresident high school pupils [, and]. Such county commissioners are [hereby] authorized to levy and shall levy a tax up to the amount permissible under RCW 84.52.050 [,] against all nonhigh school districts in their respective counties in the aggregate amount as certified to them by the intermediate school district [superintendent,] *board. Such levy [to] shall be made at**

the same time and in the manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils the intermediate school district [superintendent] board shall [take] compute the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state [current school fund] and receipts from the real estate transfer tax as provided in chapter 28A.45 RCW, and such difference [to] shall be multiplied by the days of attendance of nonresident high school pupils in each case. Such amount, when ascertained and certified as provided in this section, shall constitute a valid claim against the high school district fund hereafter provided for in this section. The above tax shall be collected at the same time and in the same manner as other taxes are collected [,] and shall be segregated by the appropriate county treasurer into a fund which shall be designated as the high school district fund [and which]. Such fund shall be used only for reimbursing high school districts for the cost of educating nonresident high school pupils whose legal residence shall be in the nonhigh school district.

Sec. 34. Section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060 are each amended to read as follows:

The state board of education shall provide each intermediate school district [superintendent] board in the state with a copy of the rules and requirements for the classification of districts and [said board], on or before the first day of July of each year, shall certify to every intermediate school district [superintendent] board in the state a complete list of all high school districts in [his] the district.

Sec. 35. Section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070 are each amended to read as follows:

Each intermediate school district superintendent, on or before the first day of September, shall certify to the appropriate county assessors, the county treasurers, the county auditors, and the boards of county commissioners, a complete list of all high school districts and all nonhigh school districts in [his] the counties within the intermediate school district.

Sec. 36. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district [,] shall certify under oath, as a part of [his] an annual report to the intermediate school district [superintendent] board to be made on or before the fifteenth day of July [,] as required by law, the following facts as nearly as the same can be ascertained: [First, the]

(1) Name, post office address, county [and number of], resident school district [if obtainable,] and the days of attendance of each nonresident high school pupil [,] who is not a resident of another high school district [,] and is enrolled in the high school, or high schools, of [his] the district during the school year [, with the days of attendance of each such nonresident high school pupil. Second, ]

(2) The cost per pupil per day of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item [shall], as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 37. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090 are each amended to read as follows:

The intermediate school district [superintendent] board, on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in [his district] the county from the high school district fund [,] and [also] the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from nonhigh school districts of [his district] the county as certified by the intermediate school district [superintendent] board of such county to the appropriate county commissioners.

Sec. 38. Section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100 are each amended to read as follows:

At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the high school district fund [,] or such prorated portion thereof as may be in such fund at the time. [He shall] The county treasurer, at the same time, shall transfer to the credit of the high school

district fund of other counties such amounts [, or prorated portions thereof as may be in the high school district fund of his county,] as may be due the high school district fund of such other county or prorated portions thereof as may be in the high school district fund of the county as certified by the intermediate school district [superintendent he is acting for] board.

Sec. 39. Section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186 are each amended to read as follows:

Whenever any board of directors of school districts of the third class shall be authorized by the electors of their districts to erect a school building, [it shall be the duty of] such board, before entering into any contract for the erection of any such building, [to] shall obtain the approval of the intermediate school district [superintendent] board of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating, and safety thereof.

Sec. 40. Section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010 are each amended to read as follows:

Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or [school] board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the [proper officer or board as hereinafter in this chapter provided] superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapter 28A.58 RCW therefor and in all other cases shall be governed by this chapter 28A.88 RCW.

**NEW SECTION.** Sec. 41. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Within twenty days of service of the notice of appeal, the school board, at its expense, or the school official, at such official's expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct.

**NEW SECTION.** Sec. 42. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

**NEW SECTION.** Sec. 43. Moneys in any intermediate school district special service fund on the effective date of this 1971 amendatory act shall be transferred to the intermediate school district general expense fund created in section 22 of this 1971 amendatory act by the appropriate county treasurer and after such date there shall be no intermediate school district special service fund.

**NEW SECTION.** Sec. 44. The following acts or parts of acts are each hereby repealed:

- (1) Section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150;
  - (2) Section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230;
  - (3) Section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020;
  - (4) Section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040;
  - (5) Section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050;
  - (6) Section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060;
  - (7) Section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070;
  - (8) Section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080;
- and
- (9) Section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073.

**NEW SECTION.** Sec. 45. If any provision of this 1971 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. 46. This 1971 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.

**NEW SECTION.** Sec. 47. The joint committee on education shall present to the 1973 legislature a comprehensive report on the future role of intermediate school districts in the state's common school system and on alternative methods of funding such districts or any recommended successor to such districts. The joint committee on education, in carrying forth its obligations under this section, shall seek the cooperation and advice of the legislative budget committee, the governor, the superintendent of public instruction, the state board of education, and the Washington state association of counties. Such study shall extend to the possibility of separating intermediate school districts from legal and financial ties to county government."

Signed by: Senators Francis, Odegaard and Newschwander; Representatives Zimmerman, Brown and Haussler.

### MOTION

On motion of Senator Francis, the report of the Free Conference Committee on Engrossed House Bill No. 86 was adopted.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 86, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson-44.

Voting nay: Senators Gissberg, McDougall, Newschwander, Woodall-4.

Excused: Senator Stender.

ENGROSSED HOUSE BILL NO. 86, 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 7, 1971.

Mr. President: The House has passed ENGROSSED SENATE JOINT RESOLUTION NO. 22 with the following amendment:

On page 1, line 8, Article VIII, after "Sec. 5." strike all the matter down to and including "state." on page 2, line 25 and insert the following:

"The credit of the state shall not in any manner be given or loaned to, or in aid of, any individual, association, company, or corporation except for a public purpose pursuant to a law expressly authorizing the extension of the state's credit by grant, loan or guarantee for such purpose: PROVIDED, HOWEVER, That the amount of liability for unpaid principal which may at any time be outstanding pursuant to state guarantees shall not exceed five percent of the arithmetic mean of general state revenues for the three preceding biennia, and the amount of outstanding liability for unpaid principal related to credit thus extended in aid of any individual, association, company or corporation shall not exceed ten percent of the aggregate amount authorized pursuant to this section: PROVIDED FURTHER, That the term "general state revenues" when used in this section shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Retirement system funds, and performance bonds and deposits; (4) Trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness: PROVIDED FURTHER, The amount of credit which may be given by means of state guarantees may exceed the limits specified herein if, at a general election, a law proposing to exceed such limits in a specific amount for designated purposes is approved by a majority of all votes cast for and against it at such election.

The provisions of Article XII, section 9 are hereby repealed.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.



## MOTION

On motion of Senator Gardner, the Senate refused to concur in the House amendment to Engrossed Senate Joint Resolution No. 22, and asks the House to recede therefrom.

## REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 200, authorizing the relocation of harbor lines in front of Kalama and Everett, have had the same under consideration, and we recommend that House Bill No. 200 be amended to read as follows and that the amended bill do pass:

"Section 1. Section 1, chapter 139, Laws of 1963 (uncodified), as amended by section 1, chapter 24, Laws of 1967 ex. sess. (uncodified) is hereby amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the city of Renton, King county; Commencement Bay in front of the city of Tacoma, Pierce county, and within one mile of the limits of such city; [and] Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county."

Signed by: Senators Talley, Lewis and Mardesich; Representatives Cunningham, Martinis and Paris.

## MOTION

Senator Talley moved that the report of the Free Conference Committee on House Bill No. 200 be adopted.

## POINT OF INQUIRY

Senator Andersen: "Would Senator Talley yield? Senator, things have been just moving too fast for me to get a chance to look at the bill and understand what was done. Would you explain it briefly before we have to vote, please?"

Senator Talley: "Yes, Senator Andersen, I would. It brings in the area around Bremerton and cuts the area down around Everett, and leaves Kalama as was."

The motion carried.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 200, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-47.

Voting nay: Senator Francis-1.

Excused: Senator Stender-1.

HOUSE BILL NO. 200, 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.

## REPORT OF FREE CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 853, repealing prohibition on sale of contraceptives, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

"An Act relating to crimes and punishments; amending section 1, chapter 168, Laws of 1921 and RCW 9.04.030; amending section 208, chapter 249, Laws of 1909 and RCW 9.68.030; repealing section 3, chapter 192, Laws of 1939 and RCW 18.81.030; and adding a new section to chapter 18.81 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 168, Laws of 1921 and RCW 9.04.030 are each amended to read as follows:

Every person who shall advertise, either in his own name, or in the name of another person, copartnership or pretended copartnership, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, periodical or in any other written or printed paper, and every owner, publisher, editor or manager of any newspaper, pamphlet, circular, periodical or other written or printed paper, who shall publish, or permit to be published or inserted, an advertisement in any newspaper, pamphlet, circular, periodical, or other written or printed paper, owned or controlled by him, or of which he is the editor or manager, and every person who shall distribute, circulate, display or cause to be distributed, circulated or displayed, any newspaper, pamphlet, circular, periodical, or other written or printed paper containing any advertisement for the [treatment or care of venereal diseases, the] restoration of lost [manhood, or of lost vitality or lost vigor, or monthly regulators for women, or the treatment of diseases of the sexual organs, or diseases caused by sexual vice, self abuse or any disease of like cause,] *sexual potency*, or for the sale of any medicine, drug, compound, mixture, appliance, or any means whatever, whereby [sexual] *venereal* diseases of men or women may be cured or relieved, shall be guilty of a gross misdemeanor.

Sec. 2. Section 208, chapter 249, Laws of 1909 and RCW 9.68.030 are each amended to read as follows:

Every person who shall expose for sale, loan or distribution, any instrument or article, or any drug or medicine, for [the prevention of conception, or for] causing unlawful abortion; or shall write, print, distribute or exhibit any card, circular, pamphlet, advertisement or notice of any kind, stating when, where, how or of whom such article or medicine can be obtained, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 18.81 RCW a new section to read as follows:

A retail dealer's license shall be issued to any person holding a valid license to operate a pharmacy, dispensary, hospital or clinic and to any public or private program engaged in venereal disease prevention or treatment, family planning or the care, treatment or rehabilitation of any person. Further, the board of pharmacy shall issue a retail dealer's license in any area where it determines prophylactics are not readily available, and to any person or program where the local health officer determines that, in the interest of public health, prophylactics should be made available.

NEW SECTION. Sec. 4. Section 3, chapter 192, Laws of 1939 and RCW 18.81.030 are each repealed."

Signed by: Senators Day, Francis and Elicker; Representatives Kopet, North and Martinis.

## MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed House Bill No. 853 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 853, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall-43.

Voting nay: Senators Foley, Guess, Huntley, Odegaard, Wilson-5.

Excused: Senator Stender-1.

ENGROSSED HOUSE BILL NO. 853, 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.

## REPORT OF FREE CONFERENCE COMMITTEE

May 7, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1034, providing for forest protection, have had the same under consideration, and we recommend that House Bill No. 1034 be amended to read as follows and that the amended bill do pass:

Amend the Senate committee amendment to page 15, line 29 as follows:

Strike all the matter beginning on line 10 of the amendment down to and including "purpose" on line 18 and insert:

"If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350 [the administrator of] the department [of natural resources, through the supervisor of natural resources,] shall provide such protection therefor, notwithstanding the provisions of section 9 of this act, at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year on lands east of the summit of the Cascade mountains: *PROVIDED, That for the calendar years 1971 and 1972 the cost to the owner for such protection shall be eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains.*] after which time said additional assessment shall revert to the 1970 level. During said calendar years Legislative Budget Committee shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner.

*The findings of the Legislative Budget Committee shall be considered when establishing the forest patrol assessment for the ensuing biennium.*

[and] For [that] the purpose"

Signed by: Senators Donohue, Talley and Murray; Representatives Newhouse, Smith and Charette.

## MOTION

On motion of Senator Murray, the report of the Free Conference Committee on House Bill No. 1034 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1034, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Excused: Senator Stender-1.

HOUSE BILL NO. 1034, 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.

## MOTION

On motion of Senator Greive, the Senate immediately commenced consideration of Engrossed House Bill No. 463.

## SECOND READING

ENGROSSED HOUSE BILL NO. 463, by Representatives Brown, Kilbury and Kiskaddon (by executive and Secretary of State request):

Providing for annual general elections and prorating costs thereof between state and governmental subdivisions.

The bill was read the second time by sections.

Senator Greive moved adoption of the following amendment:

On page 1, line 9, of the engrossed bill, being line 7 of the printed bill, following the enacting clause, insert a new section as follows:

"*NEW SECTION.* Section 1. It is a major consideration and purpose of the legislature in enacting an annual election measure at this time to facilitate and achieve legislative redistricting in compliance with the requirements of the constitution of the United States and of the state of Washington."

Remember the succeeding sections.

## POINT OF INQUIRY

Senator Holman: "Will Senator Greive yield to a question? Senator, I believe you said you had three amendments. Could you tell us briefly what they are? Are they all about the same thing?"

Senator Greive: "No, they do several things to this particular piece of legislation. One declares the intention and that is designed to satisfy the federal courts and is in line with what we believe the federal decisions are, after considerable research. One strikes down the sentence including '1973' which means that there would be no restrictions as far as an immediate initiative. The final one is, final two really, is one is a nonseverable clause. Now we realize that it is something new. We are thoroughly convinced that the courts will uphold that, and finally we have an emergency clause."

Senator Holman: "Is it fair to say then that they all are intended for the purpose of solving this problem of getting to redistricting?"

Senator Greive: "Yes, we feel that having tried every conceivable method of compromise, having begged somebody to talk to us, having been down there one hundred and twenty days and talked to virtually every member of the legislature, having been getting a constant stream of Republicans telling me how much fairer this is and how they would like to vote for it but by some magic hold their party will not let them vote for it, having to get a lot of guff from Democrats who do not like it but most of whom would go along, because they feel that it is the only way out. We feel it is time to submit this matter to the people and let them make the decision."

Senator Holman: "Mr. President, I would like to ask Senator Greive one more question. I believe you said in your main remarks that you are opposed to annual elections generally but for this purpose you felt it would be a good idea?"

Senator Greive: "I said that it is a matter of equity. If I did not I should have said my position simply is that I have always felt that annual elections, for a variety of reasons, were not a very good thing but I feel if it is necessary to redistrict for this next ten years, that is just one of the compromises that a man has to make in this body."

Debate ensued.

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

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

On page 2, section 1, line 16, of the engrossed bill, being page 2, line 9 of the printed bill, after "law." strike all the matter down to and including "1973." on line 17 of the engrossed bill.

On page 4, line 27, following section 6, add two new sections to read as follows:

"*NEW SECTION.* Sec. 7. The legislature intends that the provisions of this act shall be nonseverable. If any provisions of this act, or any part thereof, or its application to any person or circumstance is held invalid by any court or if the governor should veto any of the sections, provisions or items of this act, including this section or any provision or item of this section the entire act and all provisions thereof shall be inoperative and null and void.

*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."

On motion of Senator Greive, the following amendment to the title was adopted:

On line 6 of the title, following "29.13 RCW" insert "adding new sections;"

## MOTIONS

On motion of Senator Woodall, the rules were suspended, and Senator Woodall was excused to attend a Conference Committee meeting.

On motion of Senator Greive, the rules were suspended, Engrossed House Bill No. 463,

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.

On motion of Senator Greive, Engrossed House Bill No. 463, as amended by the Senate, was ordered placed at the end of today's third reading calendar.

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

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

REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, enacting the operating budget, have had the same under consideration, and we recommend that this bill be substituted therefor, and the attached substitute bill do pass.

"An Act relating to expenditures by state agencies for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; designating effective dates for certain appropriations; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**NEW SECTION.** Section 1. That a budget is hereby adopted and subject to the provisions set forth in the following sections the several amounts specified in the following sections, 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 agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973, except as otherwise provided, out of the several funds of the state hereinafter named: PROVIDED, That no moneys appropriated to agencies or departments of the state may be used or spent for any sabbatical leaves for any employee of the state or any subdivisions receiving state appropriations, except, that sabbatical leaves may be granted if the expenditures for sabbatical leaves including replacement costs and the percentage of salary awarded the recipients shall not exceed the annual contracted salary of said recipients while in residence in any one institution or agency and commencing in 1972-73, not more than one percent of the number of full time equivalent faculty included in the instruction and departmental research program at the four-year institutions of higher education, not more than one percent of total FTE professional staff in community colleges, and not more than one percent of total FTE certificated staff in K-12 school districts, shall be entitled to sabbatical or professional leave during an academic year period and further, all institutions of higher education shall be subject to sabbatical leave guidelines as adopted by the Council on Higher Education and as reviewed by the Legislative Budget Committee.

**NEW SECTION.** Sec. 2. FOR THE STATE LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members.....	\$ 3,046,530
House of Representatives Expenses and salaries of members.....	\$ 4,105,675
Legislative Council .....	\$ 400,000
Legislative Budget Committee.....	\$ 434,807
Joint Committee on Education.....	\$ 255,029
Joint Committee on Higher Education.....	\$ 153,356
Joint Committee on Nuclear Energy.....	\$ 12,650

Motor Vehicle Fund Appropriation

Joint Committee on Highways.....	\$ 128,050
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**NEW SECTION.** Sec. 3. FOR THE PUBLIC PENSION COMMISSION

General Fund Appropriation.....	\$ 93,350
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**NEW SECTION.** Sec. 4. FOR THE PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation.....	\$ 2,014,331
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**NEW SECTION.** Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation: <i>Provided</i> , That funds appropriated for the Supreme Court may be used for authorized expenses incurred in perfecting appellate review of indigent cases but not to exceed \$324,686.....	\$ 1,818,715
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**NEW SECTION.** Sec. 6. FOR THE LAW LIBRARY

General Fund Appropriation.....	\$ 551,123
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<i>NEW SECTION. Sec. 7. FOR THE COURT OF APPEALS</i>	
General Fund Appropriation.....	\$ 1,803,311
<i>NEW SECTION. Sec. 8. FOR THE COURT ADMINISTRATOR</i>	
General Fund Appropriation.....	\$ 258,762
General Fund Appropriation for Superior Court Judges.....	\$ 2,115,918
General Fund Appropriation	
Judges' Retirement Fund Contributions.....	\$ 328,575
Additional Judges' Retirement Fund	
Contributions in accordance with RCW 2.12.060.....	\$ 144,445
<i>NEW SECTION. Sec. 9. FOR THE JUDICIAL COUNCIL</i>	
General Fund Appropriation.....	\$ 93,164
<i>NEW SECTION. Sec. 10. FOR THE OFFICE OF THE GOVERNOR</i>	
General Fund Appropriation	
Executive Operations .....	\$ 752,369
Investigation and Emergency Purposes—To be distributed on vouchers approved by the governor.....	\$ 20,000
Extradition Expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the Governor (including prior claims).....	\$ 50,000
Mansion Maintenance .....	\$ 52,000
<i>NEW SECTION. Sec. 11. FOR THE LIEUTENANT GOVERNOR</i>	
General Fund Appropriation.....	\$ 60,385
<i>NEW SECTION. Sec. 12. FOR THE SECRETARY OF STATE</i>	
General Fund Appropriation: <i>Provided</i> , That expenditures should only be used for the purpose of carrying out his statutory or constitutional duties: <i>Provided</i> , That \$360,038 shall be available only for initiative and referendum, voters' and candidates' pamphlet, and related legal and other advertising purposes.....	
	\$ 1,340,878
<i>NEW SECTION. Sec. 13. FOR THE STATE TREASURER</i>	
General Fund Appropriation.....	\$ 755,543
General Fund—Investment Reserve Account	
Appropriation .....	\$ 620,111
Motor Vehicle Fund Appropriation.....	\$ 12,476
<i>NEW SECTION. Sec. 14. FOR THE STATE AUDITOR</i>	
General Fund Appropriation	
For Operations .....	\$ 2,054,949
Payment of supplies and services furnished in previous biennia.....	\$ 250,000
Criminal cost bills.....	\$ 30,000
Motor Vehicle Fund Appropriation.....	\$ 101,746
<i>NEW SECTION. Sec. 15. FOR THE ATTORNEY GENERAL</i>	
General Fund Appropriation.....	\$ 1,201,934
General Legal Services Revolving Fund Appropriation.....	\$ 5,912,936
General Fund—Appropriation for Washington Organized Crime Intelligence System .....	
	—0—
<i>Provided</i> , That of the funds appropriated by this section, the sum of \$213,429 shall not be expended but shall revert instead to the treasury out of either the general fund appropriation or the legal services revolving fund appropriation, or any combination thereof at the discretion of the attorney general: <i>Provided, further</i> , That in no event shall the billings for legal services made to agencies, departments and institutions of higher learning during 1971-73 exceed a total of \$5,912,936.	
<i>NEW SECTION. Sec. 16. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT</i>	
General Fund Appropriation.....	\$ 3,613,291
Motor Vehicle Excise Fund Appropriation.....	\$ 136,585
<i>NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF PERSONNEL</i>	
Personnel Service Revolving Fund Appropriation:	

<i>Provided</i> , That \$15,000 shall be available for administration and for payment of Employees' Suggestion Awards.....	\$ 3,214,137
<b>NEW SECTION. Sec. 18. FOR THE CAPITOL COMMITTEE</b>	
General Fund—Capital Building Construction Account Appropriation.....	\$ 20,000
Motor Vehicle Fund Appropriation.....	\$ 10,000
<b>NEW SECTION. Sec. 19. FOR THE FINANCE COMMITTEE</b>	
General Fund—Investment Reserve Account Appropriation.....	\$ 352,770
General Fund—Water Pollution Control Facilities Account Appropriation .....	\$ 22,700
General Fund—State Building and Higher Education Construction Account Appropriation .....	\$ 40,200
General Fund—Outdoor Recreation Account Appropriation.....	\$ 27,450
Motor Vehicle Fund Appropriation.....	\$ 103,725
Motor Vehicle Fund—Urban Arterial Trust Account Appropriation.....	\$ 79,975
<b>NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF REVENUE</b>	
General Fund Appropriation: <i>Provided</i> , That funds received as reimbursements pursuant to Chapter 84.41 RCW are hereby appropriated to the Department of Revenue in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1973 may be allotted in advance of receipts.....	\$ 13,218,788
<b>NEW SECTION. Sec. 21. FOR THE TAX APPEALS BOARD</b>	
General Fund Appropriation: <i>Provided</i> , That the operation of the board is to be considered full time, except that no salary will be paid to board members except each member will receive \$75 per day while sitting as the appeals board.....	\$ 385,208
<b>NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION</b>	
General Fund Appropriation: <i>Provided</i> , That \$707,000 shall be allocated to the Division of Banking.....	\$ 3,912,053
Department of General Administration Facilities and Services Revolving Fund Appropriation .....	\$ 4,302,979
<b>NEW SECTION. Sec. 23. FOR THE INSURANCE COMMISSIONER</b>	
General Fund Appropriation: <i>Provided</i> , That \$722,654 shall be available solely for the support of the Fire Safety and Regulation Program.....	\$ 2,767,204
<b>NEW SECTION. Sec. 24. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST</b>	
Highway Bond Retirement Fund Appropriation.....	\$ 57,903,394
Public School Building Bond Redemption Fund 1955 (1965 Refunded) Appropriation .....	\$ 30,525
Public School Building Bond Redemption Fund 1957 Appropriation.....	\$ 9,176,200
Public School Building Bond Redemption Fund 1959 Appropriation.....	\$ 4,727,900
Public School Building Bond Redemption Fund 1961 Appropriation.....	\$ 7,136,495
Public School Building Bond Redemption Fund 1963 Appropriation.....	\$ 8,607,673
Public School Building Bond Redemption Fund 1965 Appropriation.....	\$ 2,397,812
Common School Building Bond Redemption Fund Appropriation.....	\$ 5,825,445
University of Washington Bond Retirement Fund Appropriation.....	\$ 3,550,303
Washington State University Bond Retirement Fund Appropriation.....	\$ 2,018,335
Central Washington State College Bond Retirement Fund Appropriation....	\$ 484,508
Eastern Washington State College Bond Retirement Fund Appropriation....	\$ 548,553
Western Washington State College Bond Retirement Fund Appropriation....	\$ 1,121,360
Institutional Building Bond Redemption Fund 1957 Appropriation.....	\$ 3,450,180
State Building Construction Bond Redemption Fund Appropriation.....	\$ 8,414,555
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .....	\$ 8,314,838
State Building and Higher Education Bond Redemption Fund 1967 Appropriation .....	\$ 6,982,405

Juvenile Correctional Institutional Building Bond Redemption Fund Appropriation .....	\$ 603,585
General Administration Bond Retirement Fund Appropriation.....	\$ 729,336
State Building and Parking Bond Redemption Fund Appropriation.....	\$ 2,261,380
State Building Construction Bond Redemption Fund 1967 Appropriation....	\$ 603,110
War Veterans' Compensation Bond Retirement Fund Appropriation.....	\$ 3,149,180
World Fair Bond Redemption Fund Appropriation.....	\$ 1,631,625
Outdoor Recreational Bond Redemption Fund 1963 Appropriation.....	\$ 912,507
Water Pollution Control Bond Redemption Fund Appropriation.....	\$ 2,025,000
Community College Bond Retirement Fund Appropriation.....	\$ 8,746,045
Outdoor Recreational Bond Redemption Fund 1967 Appropriation.....	\$ 1,915,000

**NEW SECTION. Sec. 25. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premiums tax distribution....	\$ 1,110,150
General Fund Appropriation for public utility district excise tax distribution .....	\$ 9,787,200
General Fund Appropriation for assistance to those counties which receive approval by the Department of Revenue of a plan for revaluation of all real property within the county: <i>Provided</i> , That each county to receive funds must submit a plan for review by the Department of Revenue. This plan must demonstrate how the county intends to revalue all real property within the county. The Department of Revenue will, after approving such plan or plans and the amount to be allocated, certify to the State Treasurer that the county is eligible for grant assistance in carrying out the revaluation plan. The Department of Revenue will also be responsible for certifying the amounts to be disbursed by the State Treasurer on a quarterly basis and that the county is engaged in carrying out the plan and is eligible for grant assistance. The plan may provide for direct contracts between the Department of Revenue and appraisal firms, in which case necessary disbursements may be made directly to the appraisal firms, pursuant to such contracts: <i>Provided further</i> , That this appropriation for the 1971-73 biennium shall be on the basis of paying 100% of the costs incurred during the first half of each county's approved revaluation program, as determined by the Department of Revenue on either a time basis or a cost basis, whichever is more practicable with respect to the particular county involved, and two-thirds of the costs incurred during the second half of such program.....	\$ 4,661,245
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution.....	\$ 99,118
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution....	\$ 16,400,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution .....	\$ 18,140,882
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution .....	\$110,417,254
State School Equalization Fund Appropriation for Mass Transit Assistance Distribution .....	\$ 6,935,900
Liquor Board Revolving Fund Appropriation for liquor profits distribution..	\$ 31,574,808

**NEW SECTION. Sec. 26. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION**

Forest Reserve Fund Appropriation for forest reserve fund distribution....	\$ 29,069,506
General Fund Appropriation for federal flood control funds distribution....	\$ 25,475
General Fund Appropriation for federal grazing fees distribution.....	\$ 14,204

**NEW SECTION. Sec. 27. FOR THE STATE TREASURER—INTEREST ON REGISTERED WARRANTS**

Investment Reserve Account Appropriation: *Provided*, That this amount shall only be available to pay interest on registered warrants that may be issued: *Provided, further*, That any interest paid from this appropriation for any treasury fund or account shall be deducted from the deposit interest distribution that would be available for the particular fund or



account. The funds so deducted shall then be credited to the Investment Reserve Account.....	\$	200,000
<b>NEW SECTION. Sec. 28. FOR THE STATE EMPLOYEES' INSURANCE BOARD</b>		
State Employees' Insurance Fund Appropriation.....	\$	29,680
<b>NEW SECTION. Sec. 29. FOR THE WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM</b>		
Retirement System Expense Fund Appropriation: <i>Provided</i> , That \$130,480 shall be available only for fees paid retained investment counsel.....	\$	1,435,469
Washington Law Enforcement Officers' and Fire Fighters' Retirement System Fund for administration: <i>Provided</i> , That \$9,000 shall be available only for fees paid retained investment counsel.....	\$	57,000
<b>NEW SECTION. Sec. 30. FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM</b>		
General Fund Appropriation for payment of benefits.....	\$	1,242,543
<b>NEW SECTION. Sec. 31. FOR THE MUNICIPAL RESEARCH COUNCIL</b>		
Motor Vehicle Excise Fund Appropriation.....	\$	460,000
<b>NEW SECTION. Sec. 32. FOR THE UNIFORM LEGISLATION COMMISSION</b>		
General Fund Appropriation.....	\$	7,830
<b>NEW SECTION. Sec. 33. FOR THE PRESIDENTIAL ELECTORS</b>		
General Fund Appropriation.....	\$	325
<b>NEW SECTION. Sec. 34. FOR THE ACCOUNTANCY BOARD</b>		
General Fund Appropriation.....	\$	187,300
<b>NEW SECTION. Sec. 35. FOR THE ATHLETIC COMMISSION</b>		
General Fund Appropriation.....	\$	26,391
<b>NEW SECTION. Sec. 36. FOR THE CEMETERY BOARD</b>		
General Fund for Cemetery Account Appropriation: <i>Provided</i> , That \$17,000 shall be available solely for legal services provided by the Attorney General .....	\$	40,247
<b>NEW SECTION. Sec. 37. FOR THE HORSE RACING COMMISSION</b>		
Racing Commission Fund Appropriation: <i>Provided</i> , That if there are more than 364 racing days during the 1971-73 biennium, the Governor is hereby authorized to allocate such additional funds as may be required....	\$	1,027,362
<b>NEW SECTION. Sec. 38. FOR THE LIQUOR CONTROL BOARD</b>		
Liquor Board Revolving Fund Appropriation.....	\$	25,206,532
<b>NEW SECTION. Sec. 39. FOR THE PHARMACY BOARD</b>		
General Fund Appropriation: <i>Provided</i> , That if chapter ....., Laws of 1971 (House Bill 411 or ESSSB 146) be adopted by the Legislature this amount shall be increased to appropriate the additional income generated for the activities of the board.....	\$	204,201
<b>NEW SECTION. Sec. 40. FOR THE UTILITIES AND TRANSPORTATION COMMISSION</b>		
Public Service Revolving Fund Appropriation.....	\$	5,225,629
<b>NEW SECTION. Sec. 41. FOR THE BOARD FOR VOLUNTEER FIREMEN</b>		
Volunteer Firemen's Relief and Pension Fund Appropriation.....	\$	46,574
<b>NEW SECTION. Sec. 42. FOR THE LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION</b>		
General Fund Appropriation.....	\$	163,391
<b>NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF CIVIL DEFENSE</b>		
General Fund Appropriation.....	\$	887,718
<b>NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT</b>		
General Fund Appropriation.....	\$	2,097,108
Armory Fund Appropriation.....	\$	978,201

NEW SECTION. Sec. 45. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—OFFICE OF THE SECRETARY  
 General Fund Appropriation.....\$ 940,222

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 VETERANS' SERVICES

General Fund Appropriation.....\$ 782,000

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF HEALTH

General Fund Appropriation: *Provided*, That the Secretary of the Department of Social and Health Services is authorized to allocate up to \$300,000 from state sources for support of local Kidney Centers: *Provided*, That not more than \$852,840 shall be provided for support of county tuberculosis programs during this biennium: *Provided further*, That notwithstanding the provisions of RCW 66.08.180, that during the 1971-73 biennium the allocations to the University of Washington and Washington State University shall be reduced by \$300,000 and \$200,000 respectively and these additional funds transferred to the general fund for use by the Division of Health, Department of Social and Health Services, to carry out the purposes of RCW 70.96.040 as now or hereafter amended.....\$ 22,550,959

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF INSTITUTIONS

General Fund Appropriation: *Provided*, That inter-program transfers may be made among the amounts listed below to the extent that the workload of any such program exceeds or is less than the estimates contained within the budget.....\$170,298,664  
 Headquarters: *Provided*, That not more than \$250,000 of this appropriation shall be used for maintenance and utilities expense for Olympic Center during the 1971-73 biennium..\$ 5,502,752  
 Juvenile Rehabilitation: *Provided*, That it is the intent that the facilities at Fort Worden shall continue to serve its residents to June 30, 1973.....\$ 29,729,049  
 Adult Corrections .....\$ 31,783,885  
 Mental Health: *Provided*, That \$9,799,304 shall be utilized to continue operation of Northern State Hospital: *Provided*, That the Department of Social and Health Services shall study alternate uses of Northern State Hospital and submit its findings, conclusions and recommendations to the Forty-third Legislature .....\$ 48,343,198  
 Developmental Disabilities: *Provided*, That \$50,000 be added to the budget for Rainier School to provide 10 additional "guest-admission" beds .....\$ 50,028,458  
 Veterans' Homes .....\$ 4,911,322

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
 DIVISION OF PUBLIC ASSISTANCE

General Fund Appropriation.....\$717,044,526

The Department of Social and Health Services is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payments if necessary, and to effect all economies possible in the administration of such programs during the 1971-73 biennium: *Provided*, That of the total amount appropriated herein \$368,834,568 shall be the state share, and \$348,209,958 shall be the federal share: *Provided*, That not more than \$96,000,000 shall be expended for administration during the 1971-73 biennium, of which \$651,596 shall be employed exclusively for the purpose of funding 20 additional quality control reviewers and supporting costs: *Provided*, That the Department of Social and Health Services shall make not more than \$1,082,200 available to the University of Washington for the payment of physicians services and fees at King County Hospital: *Provided*, That of this appropriation \$3,235,881 of which

\$1,620,713 shall be in state funds shall be used exclusively for the purpose of increasing payment rates to Class I Nursing Homes at \$11.12 and Class II Nursing Homes at \$8.69 and Intermediate Care Facilities at \$6.58 for the 1971-73 biennium: *Provided*, That the Department of Social and Health Services shall under no circumstances fail to pay said payment rates without the prior approval of the Legislative Budget Committee: *Provided*, That responsibility for fraud investigation and referral shall be centralized in a single administrative unit which shall be directly responsible to an Assistant Secretary of the Department of Social and Health Services: *Provided*, That the Department shall investigate the practices employed by the State of Oregon for possible use in Washington: *Provided*, That up to \$1,300,916 shall be available for indigent burials limited to the cost of a standard cremation and \$250,000 of the total public assistance appropriation shall be employed to assist in funding the costs of indigent burials where there are religious objections to cremation: *Provided*, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That the Division of Public Assistance in conjunction with the Office of Program Planning and Fiscal Management and in cooperation with the Department of Highways, the Planning and Community Affairs Agency, the Department of Commerce and Economic Development and such other state agencies as it is deemed necessary to develop and present to the legislature prior to January 1, 1972 a detailed master plan including methods of implementing and financing the plan which will provide employment for at least 1,000 public assistance recipients in community-based work training programs: *Provided*, That \$2,836,778 in state funds shall be utilized solely for the purpose of financing the revised medical plan for medical only recipients if the United States Department of Health, Education, and Welfare does not waive its rules and regulations relative to this plan: *Provided*, That of this appropriation \$14,058,000 shall be utilized exclusively for the purposes of supplementing the money grant to recipients whose special circumstances create hardships due to the imposition of the simplification procedures or the flexible maximum and the division shall determine at the state level when individual cases warrant exceptions and adjustments in the calculation of their money grants and particular attention shall be given to those recipients in the old age assistance, aid-to-families with dependent children-regular and general continuing assistance categories; except that if federal law prohibits the granting of such exceptions, the funds may be employed to partially update grants with emphasis upon those recipients in the old age assistance, aid to families with dependent children-regular, and general continuing assistance categories or as necessary to meet the costs of case loads which exceed current estimates: *Provided*, That notwithstanding the provisions of section 97 of this act federal matching funds received in the month of July, 1971, may be credited to the 1969-1971 biennium to the extent necessary to fund expenditures for the 1969-1971 biennium: *Provided*, That the Dental Profession, through its nonprofit corporation of participating dentists, continue to serve as the fiscal intermediary of the dental program at a maximum administration fee of 4.22% of moneys expended (2.32% of moneys expended to be available from moneys appropriated for dental care) with services to be performed detailed in contract form for the biennium commencing July 1, 1971, and ending June 30, 1973: *Provided further*, That during the biennium a comparative study, by a mutually agreed, outside agency, be made of the total true costs that would be experienced if the department furnished the same services presently performed by the fiscal intermediary expressed as a percentage of moneys expended. The study to be financed equally by the dental fiscal intermediary and the department, and a report of the study to be made to the 1973 Legislature: *Provided*,

That it is the intent of the Legislature that the Department of Social and Health Services continue to communicate with the Pharmacists' Welfare Advisory Council, particularly in the desire to increase the use of generic and other less expensive drugs in the formulary and in the area of peer review and utilization, in order to cut down any abuses and over-prescribing in the drug program and thus achieve saving: *Provided further*, That the Department of Social and Health Services shall not implement a bid program to contract for nursing home drugs in any locality where it is agreed in writing between local suppliers and the department within 30 days after preliminary departmental approval of a bid program that such local suppliers will supply all drugs included in the bid program at equal or lower prices: *Provided further*, That any bid program shall be viewed as a pilot program for one biennium in one county only, to determine the costs of same and to determine what if any savings can be made: *Provided*, That if any part of this act shall be found to be in conflict with Federal requirements which are a prescribed condition to the allocation of Federal funds to the State, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet Federal requirements which are a necessary condition to the receipt of Federal funds by the State: *Provided*, That of this amount \$500,000 or so much thereof as shall be necessary shall be utilized to establish demonstration projects providing twenty-four hour day care services: *Provided*, That the Secretary of the Division of Public Assistance shall select for a two year term three (3) public assistance recipients to serve in an advisory capacity to the State Public Assistance Advisory Commission. The three people must be selected from a list of ten (10) names submitted by the Washington State Welfare Rights Organization, two (2) of whom will be from Western Washington and one (1) of whom must be from Eastern Washington: *Provided further*, That said advisory commission group shall meet at least six (6) times per year, and the three (3) recipients selected shall receive actual expenses as provided for in RCW 43.03.050 and 43.03.060 for such meetings.

- General Fund Appropriation: *Provided*, That this appropriation shall be used exclusively for the purpose of designing and, within the time and funding limitation imposed by this appropriation, implementing additional automatic computer procedures related to determining and reviewing recipient eligibility so as to avoid those occurrences of error and system inefficiencies found to exist within the current manual system by Touche Ross and Company as reported to the Legislative Budget Committee in their December 1970 report: *Provided further*, That the secretary of the Department of Social and Health Services shall delineate actions taken pursuant to this appropriation and results obtained in a report to the Legislative Budget Committee no later than January 31, 1972: *Provided further*, That this appropriation shall be for the period up to January 31, 1972.....\$ 150,000
- General Fund Appropriation for urban, racial, and rural disadvantaged: *Provided*, That these funds are to be allocated to the Superintendent of Public Instruction for reallocation to local school districts for programs which meet the guidelines established by the Department of Social and Health Services to maximize federal matching funds and in accordance with educational guidelines to be established by the Superintendent of Public Instruction and that not more than \$2,351,314 shall be from state funds: *Provided*, That up to, but not to exceed \$350,000 may be utilized to fund the Supplementary Education and Cultural Enrichment Program where related to efforts of this urban, racial, and rural disadvantaged program: *Provided further*, That none of the funds appropriated herein shall be distributed for use in transporting any child whose parents or guardian have, in writing, informed the State Superintendent that they have an objection to having their child so transported.....\$ 9,405,314
- General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1969-1971 appropriation or allotment for this purpose.....\$ 4,000,000

DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
DIVISION OF VOCATIONAL REHABILITATION

General Fund Appropriation: *Provided*, That not more than \$3,976,245 is from state sources: *Provided*, That it is the intent of the Legislature that special attention be given to clients referred by the Division of Public Assistance and that payments for maintenance by the Division of Vocational Rehabilitation to these clients are specifically authorized: *Provided*, That it is the intent of the Legislature that emphasis be given to a co-operative use of resources between the Division of Vocational Rehabilitation, the Division of Institutions, the Department of Labor and Industries and the Department of Employment Security: *Provided further*, That not more than \$198,000 from state sources shall be available for services in connection with maintenance and operation of programs for artificial kidney centers and kidney transplants.....\$ 19,209,578

General Fund Appropriation for medical services and supplies including adjustments of hospital costs not in excess of the unexpended balance of the 1969-71 appropriation or allotment for this purpose.....\$ 25,000

NEW SECTION. Sec. 46. FOR THE OFFICE OF ECONOMIC OPPORTUNITY

General Fund Appropriation: *Provided*, That \$870,000 shall be available for support or supplementation of Head Start projects approved for Federal Funds .....\$ 3,391,753

NEW SECTION. Sec. 47. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation: *Provided*, That the Legislative Budget Committee shall conduct a quarterly review of the priorities and funding levels being set by the State Committee on Law and Justice: *Provided further*, That \$100,000 shall be made available to municipal narcotics and drug divisions of law enforcement agencies of municipal governments.....\$ 25,085,260

NEW SECTION. Sec. 48. FOR THE BOARD AGAINST DISCRIMINATION

General Fund Appropriation.....\$ 830,923

NEW SECTION. Sec. 49. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation.....\$ 978,723  
Medical Aid Fund Appropriation.....\$ 978,723

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation.....\$ 2,149,257  
General Fund—Electrical License Account Appropriation .....\$ 1,988,936  
General Fund—Industrial Relations Account Appropriation .....\$ 191,341  
Accident Fund Appropriation.....\$ 11,215,499  
Medical Aid Fund Appropriation.....\$ 13,748,479

NEW SECTION. Sec. 51. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation.....\$ 633,488

NEW SECTION. Sec. 52. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation.....\$ 9,584,612  
Unemployment Compensation Administration Fund Appropriation.....\$ 34,588,744  
Administrative Contingency Fund Appropriation.....\$ 200,000

NEW SECTION. Sec. 53. FOR THE OCEANOGRAPHIC COMMISSION OF WASHINGTON

General Fund Appropriation.....\$ 106,088

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation.....\$ 10,470,025

General Fund—Reclamation Revolving Account Appropriation: <i>Provided</i> , That \$200,000 shall be used to carry out the purposes of the Water Resources Act of 1971, Chapter ..... (EHB 394), Laws of 1971, 1st ex. sess.....	\$ 520,156
Basic Data Fund Appropriation.....	\$ 160,714
General Fund—Water Pollution Control Facilities Account Appropriation....	\$ 5,581,969
<b>NEW SECTION. Sec. 55. FOR THE POLLUTION CONTROL HEARINGS BOARD</b>	
General Fund Appropriation.....	\$ 137,370
<b>NEW SECTION. Sec. 56. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL</b>	
General Fund Appropriation.....	\$ 103,167
<b>NEW SECTION. Sec. 57. FOR THE PARKS AND RECREATION COMMISSION</b>	
General Fund Appropriation: <i>Provided</i> , That \$47,000 shall be used to re-open and operate Chief Kamiakum (\$35,000) and Pend Oreille (\$12,000) state parks .....	\$ 10,721,646
Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within the state parks.....	\$ 862,335
<b>NEW SECTION. Sec. 58. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION</b>	
General Fund—Outdoor Recreation Account Appropriation: <i>Provided</i> , That not to exceed \$558,108 will be used for administrative expenses: <i>Provided</i> , That funds herein appropriated may be used for the improvement or construction of swimming pools.....	\$ 16,373,642
<b>NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT</b>	
General Fund Appropriation: <i>Provided</i> , That the department of commerce and economic development shall provide necessary administrative assistance to the oceanographic commission and the thermal power plant site evaluation council: <i>Provided further</i> , That the following sums shall be allocated for operation of tourist information centers during the 1971-73 biennium in Blaine (\$6,250), Oroville (\$6,250), Spokane (\$6,250), Clarkston (\$6,250) and Megler (\$6,250), during the months of June, July, August, and in September through Labor Day; the sum of \$25,000 shall be allocated for the continued operation of the Vancouver Tourist Information Center during the entire biennium.....	\$ 2,152,975
Motor Vehicle Fund Appropriation—For Tourist Promotion.....	\$ 285,525
<b>NEW SECTION. Sec. 60. FOR THE DEPARTMENT OF FISHERIES</b>	
General Fund Appropriations:	
(1) General operations: <i>Provided</i> , That priority in available funding shall be given to maintaining and increasing hatchery program fish production .....	\$ 9,320,696
(2) Patrol and Law Enforcement.....	\$ 1,261,047
(3) Stream Improvement .....	\$ 925,958
(4) Fisheries Advisory Committee.....	\$ 4,000
General Fund—Lewis River Hatchery Account Appropriation.....	\$ 26,640
<b>NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF GAME</b>	
Game Fund Appropriation.....	\$ 17,417,164
<b>NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF NATURAL RESOURCES</b>	
General Fund Appropriation.....	\$ 8,819,860
General Fund Appropriation—Emergency Fire Suppression costs: <i>Provided</i> , That the funds hereby appropriated shall be allocated and transferred to the Contingency Forest Fire Suppression account appropriation only as actually needed for purposes of paying emergency forest fire suppression costs .....	\$ 575,000
General Fund—Contingency Forest Fire Suppression Account Appropriation .....	\$ 1,000,000
General Fund—Forest Development Account Appropriation.....	\$ 2,616,188

General Fund—Resource Management Cost Account Appropriation.....\$ 15,126,517

**NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF AGRICULTURE**

General Fund Appropriation.....\$ 4,482,222  
 General Fund Appropriation—for Predator Control.....\$ 25,000  
 General Fund—Expenses of implementing Chapter ....., Laws of 1971, 1st  
 ex. sess. (SSB No. 446): *Provided*, That not to exceed \$50,000 of this  
 amount shall be allocated from General Fund—State resources.....\$ 100,000  
 General Fund—Commercial Feed Account Appropriation.....\$ 175,391  
 General Fund—Commission Merchants Account Appropriation.....\$ 100,508  
 General Fund—Egg Inspection Account Appropriation.....\$ 258,123  
 General Fund—Feeds and Fertilizer Account Appropriation.....\$ 8,386  
 General Fund—Agricultural Mineral and Lime Account Appropriation.....\$ 179,980  
 General Fund—Nursery Inspection Account Appropriation.....\$ 130,828  
 General Fund—Seed Account Appropriation.....\$ 306,721  
 Grain and Hay Inspection Fund Appropriation.....\$ 2,701,010

**NEW SECTION. Sec. 64. FOR THE AERONAUTICS COMMISSION**

General Fund—Aircraft Search and Rescue, Safety and Education Account  
 Appropriation.....\$ 47,790  
 General Fund—Aeronautics Account Appropriation.....\$ 574,442

**NEW SECTION. Sec. 65. FOR THE BOARD OF PILOTAGE  
 COMMISSIONERS**

General Fund—Puget Sound Pilotage Account Appropriation.....\$ 7,832

**NEW SECTION. Sec. 66. FOR THE WASHINGTON STATE PATROL**

Motor Vehicle Fund Appropriation.....\$ 35,876,830  
 General Fund Appropriation.....\$ 2,668,434

**NEW SECTION. Sec. 67. FOR THE VEHICLE EQUIPMENT SAFETY  
 COMMISSION**

Motor Vehicle Fund Appropriation.....\$ 5,700

**NEW SECTION. Sec. 68. FOR THE TRAFFIC SAFETY COMMISSION**

Highway Safety Fund Appropriation.....\$ 2,536,095

**NEW SECTION. Sec. 69. FOR THE DEPARTMENT OF MOTOR VEHICLES**

General Fund Appropriation.....\$ 2,901,729  
 General Fund Appropriation for State Board of Chiropractic Examiners and  
 the Chiropractic Disciplinary Board.....\$ 19,000  
 General Fund—Architect's License Account Appropriation.....\$ 94,439  
 General Fund—Commercial Automobile Driver Training Schools Account  
 Appropriation.....\$ 3,052  
 General Fund—Optician's Account Appropriation.....\$ 3,210  
 General Fund—Optometry Account Appropriation.....\$ 17,121  
 General Fund—Professional Engineer's Account Appropriation.....\$ 197,552  
 General Fund—Real Estate Commission Account Appropriation.....\$ 1,122,564  
 General Fund—Sanitarians' Licensing Account Appropriation.....\$ 8,604  
 General Fund—Board of Psychological Examiners' Account Appropriation...\$ 7,551  
 Highway Safety Fund Appropriation.....\$ 12,382,054  
 Motor Vehicle Fund Appropriation.....\$ 9,626,369

**NEW SECTION. Sec. 70. FOR THE UNIVERSITY OF WASHINGTON**

General Fund Appropriation: *Provided*, That not more than \$1,630,390 is to  
 be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as  
 certified by the Governor as meeting the requirements thereof, and ap-  
 proved by a 60 percent majority of the Legislative Budget Committee, with  
 the allocation taking into account the difference between the number of  
 full time equivalent students at the various instructional levels projected  
 in the executive budget and the latest fall quarter 1971 enrollment estimates  
 as prepared by the Office of Program Planning and Fiscal Management,  
 and using as a basis for the calculations the faculty staffing formula of the

Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That \$385,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council for Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided further*, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: *Provided*, That of this amount \$60,000 or so much thereof as shall be necessary shall be employed exclusively for the purpose of maintaining the 1969-71 expenditure level for the Institute of Forest Products: *Provided*, That the University of Washington shall expend from any funds that may be available to it the sum of \$650,000 for a medical family practice program, including not less than \$250,000 to be expended at off-campus locations: *Provided further*, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year. \$124,037,518

Accident Fund Appropriation.....	\$	351,000
Medical Aid Fund Appropriation.....	\$	351,000
General Fund Appropriation for the continuing operation of Harborview Medical Center as a teaching resource for the University of Washington...	\$	4,700,000

**NEW SECTION. Sec. 71. FOR THE WASHINGTON STATE UNIVERSITY**  
 General Fund Appropriation: *Provided*, That not more than \$627,049 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That \$155,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful



educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: *Provided further*, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year: *Provided further*, That \$3,625,000, in addition to the other amounts included in this appropriation, shall be made available for the following purposes: \$2,250,000 for Agricultural Research, \$1,125,000 for Cooperative Extension Services, and \$250,000 for Engineering Research.....\$ 67,825,960

**NEW SECTION. Sec. 72. FOR THE EASTERN WASHINGTON STATE COLLEGE**

General Fund Appropriation: *Provided*, That not more than \$295,920 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That \$70,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition, operating, and services and activities fees in whole or in part,

comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: *Provided further*, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year .....\$ 18,520,069

**NEW SECTION. Sec. 73. FOR THE CENTRAL WASHINGTON STATE COLLEGE**

General Fund Appropriation: *Provided*, That not more than \$322,522 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That \$75,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, and Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: *Provided further*, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year.....\$ 20,508,354

**NEW SECTION. Sec. 74. FOR THE EVERGREEN STATE COLLEGE**

General Fund Appropriation: *Provided*, That not more than \$399,900 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee,

with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program.....\$ 8,536,102

**NEW SECTION. Sec. 75. FOR THE WESTERN WASHINGTON STATE COLLEGE**

General Fund Appropriation: *Provided*, That not more than \$407,273 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: *Provided*, That \$100,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided further*, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: *Provided further*, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is

granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year.....\$ 23,586,047

**NEW SECTION. Sec. 76. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (Including Board of Education)**

General Fund Appropriation: Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: *Provided*, That not less than \$157,462 shall be exclusively available for drug education: *Provided further*, That this amount includes federal Civil Rights Grants of \$171,859, Civil Defense Grants of \$68,895 and Follow-Through Grants of \$15,787.....\$ 5,508,476

General Fund Appropriation for General Apportionment: *Provided*, That the weighting schedule to be used in computing the apportionment of funds for each district for 1971-73 shall be based on the following factors: Each full time equivalent student enrolled—1.0; Each full time equivalent student, grades 7-12, an added—.3; Each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the State Superintendent, an added—1.0; *Provided*, That for the 1971-73 biennium the present method of determining excess costs shall be continued subject to review upon completion of a study of vocational education as provided for in Senate Concurrent Resolution No. 2, which study includes defining excess cost of all vocational education programs; Each identified culturally disadvantaged child receiving an approved program, an added—.1. The factor established by the Superintendent of Public Instruction for use in the 1969-71 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used. For school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1970-71 school year: *Provided*, That all school districts judged remote and necessary for school apportionment purposes during the 1970-71 school year shall be considered remote and necessary for school apportionment purposes throughout the 1971-73 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: *Provided*, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation. Full time equivalent students residing on tax exempt property (chapter 130, Laws of 1969), an added—.25; Full time equivalent students in an approved interdistrict cooperative program (chapter 130, Laws of 1969), an added—.25: *Provided*, That not to exceed \$400,000 is included for use by the Superintendent for School District emergencies: *Provided*, That not to exceed \$11,788,569 is included for the five vocational-technical institutes: *Provided*, That not to exceed \$272,800 is included for adult education in vocational-technical institutes: *Provided*, That no portion of these funds shall be allocated to a school district which expends or anticipates expending, moneys in excess of their certified budget or budget extensions thereto as filed with the Office of the Superintendent of Public Instruction and Board of Education: *Provided*, That a subsequent special or regular session of the legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: *Provided*, That for purposes of distributing general fund appropriations for general apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district

shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent.....	\$491,438,718
General Fund Appropriation for Maintenance of Previously Mandated Salary Increases: <i>Provided</i> , That it is the intent of the Legislature that this sum is to be made available to the Superintendent of Public Instruction to be allocated for the school years 1971-72 and 1972-73 to local school districts to be employed exclusively for the purpose of maintaining previously granted salary increases to all certificated and classified personnel who received salary increases during the 1969-71 biennium and such funds shall be distributed during 1971-72 and 1972-73 on the basis of each district's average 1968-69 average certificated salary level and average classified salary level improved by the average increase granted from state funds in 1969-70 and improved by the additional average increase granted from state funds in 1970-71 in order to fund the maintenance of the improved level throughout 1971-73: <i>Provided further</i> , That the Superintendent of Public Instruction shall establish rules and regulations to carry out the intent of the Legislature for the distribution of the funds contained in this appropriation including that the calculations shall be made utilizing only average base salaries exclusive of extra stipends..	\$ 91,982,074
General Fund Appropriation for state matching of federal food service funds, as required by P.L. 91-248 and for continuation of salary increases granted from state funds during 1969-71.....	\$ 2,444,000
General Fund Appropriation for state contributions to participating school districts to fund employee health benefits: <i>Provided</i> , That these funds shall be distributed to those participating districts on an equal amount per staff full time equivalent: <i>Provided further</i> , That the distribution for the first two months of the 1971-73 biennium shall continue on the level of distribution during the 1970-71 school year.....	\$ 5,907,078
General Fund Appropriation of two mills of property tax to be distributed in accordance with chapter 216, Laws of 1969 ex. sess., as amended.....	\$ 80,907,000
General Fund Appropriation of state forest funds to be distributed.....	\$ 750,000
General Fund Appropriation for allocation to Intermediate School Districts	\$ 1,457,506
General Fund Appropriation:	
Supplementary Education and Cultural Enrichment.....	\$ 600,000
State Institutions .....	\$ 5,388,162
Distribution to counties for school districts: Handicapped Children-Excess Costs: <i>Provided</i> , That \$5,023,718 shall be utilized to aid only that category of handicapped children who are identified as being totally unserved (first priority) in the joint report of the Superintendent and the Division of Institutions, December 4, 1970: <i>Provided</i> , That of this appropriation \$391,698 or so much thereof as shall be necessary shall be utilized for the support of the Cerebral Palsy Center .....	\$ 50,986,732
Elementary and Secondary Education Act of 1965, of which \$2,329,086 is for administration .....	\$ 37,480,086
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958), of which \$60,409 is for administration.....	\$ 1,500,409
Education of Indian Children, of which \$120,071 is for administration....	\$ 2,100,071
Adult Basic Education, of which \$98,421 is for administration.....	\$ 773,421
School Lunch and School Milk Programs, of which \$78,737 is for administration .....	\$ 12,778,737
Grants to Teachers of the Handicapped, of which \$35,432 is for administration .....	\$ 250,432
Staff Development, of which \$36,431 is for administration.....	\$ 586,431
Assistance to Blind Students (RCW. 28B.10.215).....	\$ 5,000
Environmental Education: <i>Provided</i> , That \$40,000 is earmarked for environmental education in Northwest Washington in conjunction with Western Washington State College.....	\$ 220,000
Gifted Program .....	\$ 330,000
General Fund—Traffic Safety Education Account Appropriation, of which \$346,185 is for administration.....	\$ 7,438,885

NEW SECTION. Sec. 77. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: For administrative expenses of the Board: *Provided*, That \$740,670 shall be available exclusively for the minority affairs programs of the State Board of which \$542,670 shall be from state funds and \$198,000 from federal funds. Such programs shall be developed through a process that insures that all minority groups are represented and included in the planning of such programs.....\$ 1,946,386

For Distribution to the Community Colleges in accordance with Chapter 28B.50 RCW: *Provided*, That not more than \$3,129,620 is to be allocated to the State Board on or before January 1, 1972, for the 1972-73 fiscal year for distribution to the community colleges, as certified by the Governor as meeting the requirements thereof, and approved by a sixty percent majority of the Legislative Budget Committee, with the allocation to be based on the findings of the staff of the Legislative Budget Committee as to the appropriate weighting factor to be used in computing faculty staffing requirements for the vocational-technical enrollments as opposed to a factor of 1.0 for academic transfer enrollments, such study to be based on the definitions and procedures outlined by the Council on Higher Education: *Provided*, That it is the intent of the Legislature that of the 4,118 additional full time equivalent students budgeted to be served in fall quarter 1971 as compared to fall quarter 1970, and of the 4,706 additional full time equivalent students budgeted to be served in fall quarter 1972 as compared to fall quarter 1971, not less than two-thirds shall be enrolled in courses classified as "occupational" by the state board; however, this provision shall not apply to those community college districts which have public vocational-technical institutes located within their district boundaries: *Provided*, That \$422,500 of this appropriation shall be administered by the State Board and used only to develop and implement new and innovative educational programs in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental or innovative academic and vocational programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present such programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds, shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education and the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: *Provided*, That \$1,479,764 shall be available to the State Board for Community College Education of which \$1,396,781 is contained in this appropriation and \$82,983 shall be provided to the Olympia School District to complete 1970-71 school year obligations and the \$1,396,781 is to be used exclusively to finance vocational education programs and courses, defined as a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue or upgrade themselves in gainful employment, including the work of the home, in occupations not requiring a baccalaureate or higher degree, operated at the Olympia Vocational Technical Institute and distributed on the basis of the reimbursement factor utilized by the State Superintendent of Public Instruction for distribution of state funds to the vocational-technical institutes per full-time equivalent student (900 clock hours accumulated attendance per year): *Provided*, That tuition and fees, in whole or in part, comprising two percent of

total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and two percent in 1972-73, shall be waived for needy and economically disadvantaged students: *Provided*, That an additional one percent of total tuition and fees, incidental, and special fees shall be waived each year for students enrolled in courses leading to the obtaining of a high school certificate: *Provided further*, That the State Board for Community Colleges shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: *Provided*, That it is the intent of the legislature that the traditional open door policy of community colleges be maintained for all students in 1971-73; however, if it is determined to be impossible to serve all applicants, that equal priority be given to the following programs (as defined in the rules and regulations of the state board for community college education): occupational preparatory, occupational supplementary, academic transfer, and academic basic education; and that in order to implement the aforementioned priorities, that all programs defined by the state board as "academic general education" and "community service" either be discontinued, or continued on the basis that fees be charged for these courses at a level commensurate with the direct instructional costs plus all supporting costs: *Provided, further*, That not more than \$352,500 shall be available during 1971-72 and 1972-73 to maintain as nearly as possible the 1970-71 allocations at Grays Harbor Community College, Centralia Community College, Wenatchee Valley Community College, Yakima Valley Community College, and Big Bend Community College

\$115,474,731

**NEW SECTION. Sec. 78. FOR THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION**

General Fund Appropriation.....\$ 45,000

**NEW SECTION. Sec. 79. FOR THE COMPACT FOR EDUCATION**

General Fund Appropriation: *Provided*, That \$1,500 shall be available exclusively for travel and expenses of the commissioners.....\$ 22,500

**NEW SECTION. Sec. 80. FOR THE COUNCIL ON HIGHER EDUCATION**

General Fund Appropriation: *Provided*, That \$1,700,000 of this appropriation shall be used to aid Washington residents attending private institutions of higher education on a full-time basis: *Provided further*, That \$1,376,700 shall be used for the purposes of the state student financial aid program authorized by RCW 28B.10.800 through 28B.10.824.....\$ 3,752,738

**NEW SECTION. Sec. 81. FOR THE COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION AND ADVISORY COUNCIL FOR OCCUPATIONAL EDUCATION**

General Fund Appropriation: *Provided*, That during each of the 1971-72 fiscal year and the 1972-73 fiscal year the same number of training hours for volunteer firemen shall be continued as were conducted during the 1970-71 fiscal year.....\$ 17,651,384

**NEW SECTION. Sec. 82. FOR THE TEACHERS' RETIREMENT SYSTEM**

Teachers' Retirement Fund Appropriation: *Provided*, That \$135,000 shall be available only for fees paid retained investment counsel.....\$ 968,774

**NEW SECTION. Sec. 83. FOR THE HIGHER EDUCATION PERSONNEL BOARD**

Higher Education Personnel Board Service Fund Appropriation.....\$ 509,744

**NEW SECTION. Sec. 84. FOR THE STATE LIBRARY**

General Fund Appropriation.....\$ 4,724,390

**NEW SECTION. Sec. 85. FOR THE ARTS COMMISSION**

General Fund Appropriation: *Provided*, That not more than \$120,000 shall be from state sources.....\$ 415,000

<i>NEW SECTION. Sec. 86. FOR THE WASHINGTON STATE HISTORICAL SOCIETY</i>	
General Fund Appropriation.....	\$ 264,750
<i>NEW SECTION. Sec. 87. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY</i>	
General Fund Appropriation: <i>Provided</i> , That \$50,000 of this appropriation shall be allocated to the Pacific Northwest Indian Center in Spokane.....	\$ 221,074
<i>NEW SECTION. Sec. 88. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION</i>	
General Fund Appropriation: <i>Provided</i> , That \$5,000 shall be a reappropriation for the George W. Bush Exhibit.....	\$ 175,342
General Fund—State Capitol Historical Association Museum Account Appropriation .....	\$ 40,000
<i>NEW SECTION. Sec. 89. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS</i>	
General Fund Appropriation:	
Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: <i>Provided</i> , That \$450,000 may be allotted by the Governor for surveys and installations.....	\$ 980,000
To be distributed by the Governor on a pro rata basis to state agencies on the basis of the proportion of their salaries and wages paid from general funds that are reduced by virtue of the application of section 108 which requires that state agencies absorb the general fund portion of the contribution to the public employees retirement system as required by law.....	\$ 5,150,000
Interstate Nuclear Compact.....	\$ 20,000
Advisory Commission on Intergovernmental Relations.....	\$ 2,000
Council of State Government.....	\$ 56,360
For support of data processing activities to be allocated after consultation with the Data Processing Advisory Committee.....	\$ 48,000
For payment of unemployment compensation to state employees pursuant to chapter 3, Laws of 1971.....	\$ 1,080,000
For additional state contribution to employees health insurance to be allotted to those agencies whose employees are all or in part within the present system of the State Personnel Board, institutions of higher education and local school districts as provided by law: <i>Provided</i> , That payments from these funds shall be utilized to provide up to \$15 per state employee per month, up to \$15 per certificated and classified school employee per month of which up to \$10 shall be from state funds and up to \$5 shall be from local school district funds and up to \$15 per month per employee of the state institutions of higher education.	
General Fund Appropriation.....	\$ 9,410,096
General Fund—Commercial Feed Account Appropriation.....	\$ 916
General Fund—Commission Merchants Account Appropriation.....	\$ 734
General Fund—Egg Inspection Account Appropriation.....	\$ 2,054
General Fund—Electrical License Account Appropriation.....	\$ 11,376
General Fund—Feed and Fertilizer Account Appropriation.....	\$ 56
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation .....	\$ 1,284
General Fund—Forest Development Account Appropriation.....	\$ 16,350
General Fund—Investment Reserve Account Appropriation.....	\$ 9,036
General Fund—Lewis River Hatchery Account Appropriation.....	\$ 158
General Fund—Nursery Inspection Account Appropriation.....	\$ 1,174
General Fund—Reclamation Revolving Account Appropriation.....	\$ 1,270
General Fund—Seed Account Appropriation.....	\$ 2,348
General Fund—Aeronautics Account Appropriation.....	\$ 1,330
General Fund—Search and Rescue Account Appropriation.....	\$ 116



General Fund—Resources Management Cost Account Appropriation.....	\$	94,948
General Fund—Traffic Safety Education Account Appropriation.....	\$	1,137
General Fund—Outdoor Recreation Account Appropriation.....	\$	2,816
Game Fund Appropriation.....	\$	112,488
Grain and Hay Inspection Fund Appropriation.....	\$	23,488
Motor Vehicle Fund Appropriation.....	\$	125,000
Public Service Revolving Fund Appropriation.....	\$	28,552
Armories Fund Appropriation.....	\$	4,442
Insurance Companies Reimbursement Fund Appropriation.....	\$	1,196
Horse Racing Commission Fund Appropriation.....	\$	1,200
Unclaimed Personal Property Fund Appropriation.....	\$	634
General Legal Services Revolving Fund Appropriation.....	\$	29,330
Department of Personnel Service Fund Appropriation.....	\$	15,467
Higher Education Personnel Board Service Fund Appropriation.....	\$	1,904
Liquor Board Revolving Fund Appropriation.....	\$	192,644
Retirement System Expense Fund Appropriation.....	\$	7,916
Accident Fund Appropriation.....	\$	7,500
Medical Aid Fund Appropriation.....	\$	101,040
Teachers' Retirement Fund Appropriation.....	\$	4,600
Volunteer Firemen's Relief and Pension Fund Appropriation.....	\$	318

**NEW SECTION. Sec. 90. FOR THE STATE TEACHERS' RETIREMENT SYSTEM FUND:**

*Provided*, That the State Teachers' Retirement System shall use interest earnings on accumulated state contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings on accumulated state contributions are not sufficient to make pension payments and to pay the state's share of the system's operating costs under Chapter 41.32 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the "normal contribution" nor for the "unfunded liability contribution" required by RCW 41.32.401. The board of trustees shall determine pension payments, interest earning on accumulated state contributions, and the portion of funds appropriated by this section necessary for each quarter, and shall notify the state treasurer of the transfers necessary from the general fund to the teachers' retirement fund in accordance with RCW 41.32.401: *Provided further*, That this section shall not affect member contributions under Chapter 41.32 RCW:

General Fund Appropriation.....	\$	20,000,000
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**NEW SECTION. Sec. 91. FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM FUND:**

*Provided*, That the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Retirement Board shall use interest earnings on accumulated contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings are not sufficient to make required pension and refund payments under Chapter 41.26 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the current service liability nor for the prior service liability required by RCW 41.26.080(3). The Retirement Board shall determine pension payments, refunds, interest earnings, and the portion of the funds appropriated by this section necessary for each quarter and shall notify the state treasurer of the amounts to be transferred from the general fund to the Washington law enforcement officers' and fire fighters' retirement system fund: *Provided further*, That this section shall not affect employee and employer contributions under RCW 41.26.080 nor any contributions made by employers for administrative costs of the system:

General Fund Appropriation.....\$ 1,357,457

NEW SECTION. Sec. 92. FOR THE STATE TREASURER—TRANSFERS

General Fund—Investment Reserve Account Appropriation for Transfer to the General Fund on or before June 29, 1973 pursuant to Chapter 50, Laws of 1969.....\$ 5,000,000

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1971 through June 30, 1973.....\$ 1,300,000

NEW SECTION. Sec. 93. FOR THE STATE TREASURER—TRANSFER

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1969 through June 30, 1971, the effective date of this section is the effective date of this act.....\$ 756,500

NEW SECTION. Sec. 94. The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above-named officials serve.

NEW SECTION. Sec. 95. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all of any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: *Provided*, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission, Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of Chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided*, That the director of the office of program planning and fiscal management may alter the allotment requests of state colleges and universities in the following cases: (a) 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; (b) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (c) When an agency proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: *Provided, however*, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1971; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1971: *Provided*, That no expenditures may be made from the

appropriations contained in this act, except as otherwise provided, until after July 1, 1971.

**NEW SECTION.** Sec. 96. The Legislative Budget Committee shall review the methods and procedures used by the state's colleges, universities, community colleges, and the state board for community college education in determining and reporting student enrollments to the office of program planning and fiscal management and the council on higher education. The Legislative Budget Committee shall also, each fiscal year, make periodic field audits of the accuracy of such procedures and information.

**NEW SECTION.** Sec. 97. For the public four-year colleges and universities and community colleges, it is the intent of the legislature that the minimum average weekly faculty classroom contact hours beginning academic year 1971-72 equal the following:

State Universities .....	10
State Colleges .....	12
Community Colleges .....	15

It is further the intent of the legislature that the average weekly faculty classroom contact hours for all faculty at the rank of assistant professor and above shall be increased by at least five percent between academic year 1970-71 and 1972-73 at each state university, state college, and community college. It shall be the responsibility of the Council on Higher Education to develop uniform definitions and guidelines to carry out the provisions of this section and to report during the interim to the Legislative Budget Committee on the status of its report. The Council shall submit a comprehensive report to the 1973 session of the legislature concerning the implementation of these provisions on faculty classroom contact hours.

**NEW SECTION.** Sec. 98. Any receipts from federal sources, gifts or grants, or other sources in excess of those estimated in the budget may be received by the governor and deposited in the state treasury or other depository provided by law. Any proposal to expend moneys from an appropriated fund or account in excess of appropriations provided by law, based on the receipt of unanticipated revenues, shall be submitted to the state legislature, if it is in session, or to the legislative budget committee during the interim between legislative sessions. The legislative budget committee may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members of the committee. Whenever possible, unanticipated federal or other revenues which were not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular agency programs instead of using funds appropriated from state taxes or similar revenue sources.

**NEW SECTION.** Sec. 99. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 95. Receipts for purposes of this section shall include amounts realized within one calendar month following the close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

**NEW SECTION.** Sec. 100. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

**NEW SECTION.** Sec. 101. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

**NEW SECTION.** Sec. 102. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

**NEW SECTION.** Sec. 103. Amounts received by an agency as reimbursements

pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

**NEW SECTION. Sec. 104.** In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: *Provided*, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for multi-agency use: *Provided further*, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

**NEW SECTION. Sec. 105.** All Contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

**NEW SECTION. Sec. 106.** Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, including the four-year institutions of higher learning and the community colleges and positions in the offices of elective officials, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

**NEW SECTION. Sec. 107.** It is the intent of the Legislature that no salary increase be granted in the same job classification to any individual in the employ of the state whose salary is funded by the provisions of this act, including those individuals employed by the six units of higher education, those employed by elected officials or those employed by the community colleges throughout the 1971-73 fiscal period.

**NEW SECTION. Sec. 108.** Each state agency, from its general fund appropriation, shall transmit each month to the Washington public employees' retirement system the amount of its total monthly expenditures for salaries and wages as required by law for employees covered by the Washington public employees' retirement system, such amount to constitute the employer contribution during the 1971-73 biennium: *Provided*, That in order to comply with the provisions of this section the following appropriations from the following funds and accounts, or such amounts as are required by law, are hereby appropriated for the 1971-73 employer portion of the public employees' retirement system contributions:

<b>(1) FOR THE JOINT COMMITTEE ON HIGHWAYS</b>	
Motor Vehicle Fund Appropriation.....	\$ 1,850
<b>(2) FOR THE OFFICE OF ECONOMIC OPPORTUNITY</b>	
General Fund—Federal Appropriation.....	\$ 37,540
<b>(3) FOR THE STATE TREASURER</b>	
Investment Reserve Account Appropriation.....	\$ 21,699
Motor Vehicle Fund Appropriation.....	\$ 520
<b>(4) FOR THE ATTORNEY GENERAL</b>	
Legal Services Revolving Fund Appropriation.....	\$ 287,770
<b>(5) FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT</b>	

Motor Vehicle Excise Appropriation.....	\$	6,046
General Fund—Federal Appropriation.....	\$	1,993
(6) FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY		
General Fund—Federal Appropriation.....	\$	33,302
(7) FOR THE DEPARTMENT OF PERSONNEL		
Department of Personnel Service Revolving Fund Appropriation.....	\$	123,618
(8) FOR THE FINANCE COMMITTEE		
Investment Reserve Account Appropriation.....	\$	26,005
(9) FOR THE DEPARTMENT OF GENERAL ADMINISTRATION		
General Administration Facilities and Services Revolving Fund Appropriation .....	\$	163,985
(10) FOR THE AERONAUTICS COMMISSION		
Aeronautics Account Appropriation.....	\$	11,660
Search and Rescue Account Appropriation.....	\$	1,110
(11) FOR THE HORSE RACING COMMISSION		
Horse Race Commission Fund Appropriation.....	\$	5,074
(12) FOR THE INDUSTRIAL INSURANCE APPEALS BOARD		
Accident Fund Appropriation.....	\$	37,168
Medical Aid Fund Appropriation.....	\$	37,475
(13) FOR THE LIQUOR CONTROL BOARD		
Liquor Board Revolving Fund Appropriation.....	\$	976,901
(14) FOR THE PUGET SOUND PILOTAGE COMMISSION		
Puget Sound Pilotage Account Appropriation.....	\$	168
(15) FOR THE UTILITIES AND TRANSPORTATION COMMISSION		
Public Service Revolving Fund Appropriation.....	\$	218,860
(16) FOR THE BOARD FOR VOLUNTEER FIREMEN		
Volunteer Firemen Relief and Pension Fund Appropriation.....	\$	1,920
(17) FOR THE STATE PATROL		
Motor Vehicle Fund Appropriation.....	\$	424,245
(18) FOR THE TRAFFIC SAFETY COMMISSION		
Highway Safety Fund Appropriation.....	\$	3,968
(19) FOR THE DEPARTMENT OF CIVIL DEFENSE		
General Fund—Federal Appropriation.....	\$	20,454
(20) FOR THE DEPARTMENT OF LABOR AND INDUSTRIES		
General Fund—Federal Appropriation.....	\$	1,332
Electrical License Account Appropriation.....	\$	92,469
Industrial Relations Account Appropriation.....	\$	8,659
Accident Fund Appropriation.....	\$	162,238
Medical Aid Fund Appropriation.....	\$	616,462
(21) FOR THE DEPARTMENT OF MOTOR VEHICLES		
Architects License Account Appropriation.....	\$	2,657
Commercial Automobile Driver Training School Account Appropriation....	\$	19
Opticians Account Appropriation.....	\$	58
Optometry Account Appropriation.....	\$	347
Professional Engineers Account Appropriation.....	\$	6,244
Real Estate Commission Account Appropriation.....	\$	31,050
Sanitarian's Licensing Account Appropriation.....	\$	141
State Board of Psychological Examiners Account Appropriation.....	\$	149
Highway Safety Fund Appropriation.....	\$	506,596
Motor Vehicle Fund Appropriation.....	\$	299,681
(22) FOR THE MILITARY DEPARTMENT		
Armory Fund Appropriation.....	\$	26,949
(23) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
General Fund—Federal Appropriation.....	\$	18,501
(24) FOR THE VETERANS' REHABILITATION DIVISION		
General Fund—Federal Appropriation.....	\$	29,986

(25) FOR THE DIVISION OF PUBLIC ASSISTANCE	
General Fund—Federal Appropriation.....	\$ 3,233,838
(26) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund—Federal Appropriation.....	\$ 48,375
Traffic Safety Account Appropriation.....	\$ 2,763
(27) FOR THE DIVISION OF VOCATIONAL EDUCATION	
General Fund—Federal Appropriation.....	\$ 44,839
(28) FOR THE DIVISION OF VOCATIONAL REHABILITATION	
General Fund—Federal Appropriation.....	\$ 284,862
(29) FOR THE UNIVERSITY OF WASHINGTON	
General Local Fund Appropriation.....	\$ 1,300,372
(30) FOR THE WASHINGTON STATE UNIVERSITY	
General Local Fund Appropriation.....	\$ 25,312
(31) FOR THE EASTERN WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,169
(32) FOR THE CENTRAL WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,788
(33) FOR THE WESTERN WASHINGTON STATE COLLEGE	
General Local Fund Appropriation.....	\$ 2,594
(34) FOR THE STATE LIBRARY	
General Fund—Federal Appropriation.....	\$ 28,853
General Fund—Local Appropriation.....	\$ 15,253
(35) FOR THE DEPARTMENT OF HIGHWAYS	
Motor Vehicle Fund Appropriation.....	\$ 2,530,393
(36) FOR THE COUNTY ROADS ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....	\$ 4,906
(37) FOR THE DEPARTMENT OF ECOLOGY	
General Fund—Federal Appropriation.....	\$ 21,600
Reclamation Account Appropriation.....	\$ 11,046
Basic Data Fund Appropriation.....	\$ 9,286
(38) FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
Outdoor Recreation Account Appropriation.....	\$ 19,721
(39) FOR THE DEPARTMENT OF FISHERIES	
General Fund—Federal Appropriation.....	\$ 99,344
(40) FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....	\$ 644,339
(41) FOR THE DEPARTMENT OF NATURAL RESOURCES	
Forest Development Account Appropriation.....	\$ 103,802
Resources Management Cost Account Appropriation.....	\$ 447,891
(42) FOR THE DEPARTMENT OF AGRICULTURE	
General Fund—Federal Appropriation.....	\$ 39,525
Commercial Feed Account Appropriation.....	\$ 5,610
Commission Merchants Account Appropriation.....	\$ 4,644
Egg Inspection Account Appropriation.....	\$ 11,400
Feeds and Fertilizer Account Appropriation.....	\$ 414
Agriculture, Mineral and Lime Account Appropriation.....	\$ 7,920
Nursery Inspection Account Appropriation.....	\$ 6,072
Seed Account Appropriation.....	\$ 12,720
Grain and Hay Inspection Fund Appropriation.....	\$ 132,090
(43) FOR THE EMPLOYMENT SECURITY DEPARTMENT	
Unemployment Compensation Administration Fund Appropriation.....	\$ 2,312,538

*NEW SECTION.* Sec. 109. It is the intention of the legislature that the expenditure of funds for out of state travel by state employees in executive branch agencies be held to a minimum level consistent with economy, frugality and effectiveness in state government. No funds from appropriations to executive branch agencies made by this act shall be expended for out of state travel costs or related per diem expense of state employees other than elected state officials in executive branch agencies without the prior written approval of the

Director of the Office of Program Planning and Fiscal Management or his designee. The Director of the Office of Program Planning and Fiscal Management, or his designee, shall grant such approval only on his finding that the proposed travel is consistent with the economic, efficient and effective management of state agencies and programs. For the purposes of this section, "out-of-state travel" does not include travel between the State of Washington and the contiguous states of Idaho and Oregon. Each state agency shall submit a monthly report to the Office of Program Planning and Fiscal Management of each out-of-state trip which has occurred during the previous month, including the name of the traveler, the destination, the period of absence from the state, the cost of the trip from state, federal, or other funds, and the specific benefit to the state which justified the trip. The Director of the Office of Program Planning and Fiscal Management shall submit this information, together with any comments he believes appropriate with regard to out-of-state travel to the 1973 session of the legislature, through the Legislative Budget Committee.

**NEW SECTION.** Sec. 110. There is appropriated to the public school building bond redemption fund of 1965 established by RCW 28A.47.777 from the common school construction fund established by Article IX, section 3 of the Washington Constitution for the biennium ending June 30, 1973, the sum of six hundred five thousand one hundred and ninety-four dollars: PROVIDED, That the sum appropriated shall come only from that portion of the common school construction fund derived from interest on the permanent common school fund during the 1971-73 biennium.

**NEW SECTION.** Sec. 111. There is appropriated to the state parks and recreation commission from the general fund, for the biennium ending June 30, 1973, the sum of one million three hundred twenty-two thousand nine hundred sixty-eight dollars: PROVIDED, That the sum appropriated shall be used by the commission either for the payment of rentals to the department of natural resources as may be required by law for the use of state trust lands withdrawn for state park purposes or for the acquisition of such lands: PROVIDED, FURTHER, That the sum appropriated by this section shall be in addition to all other moneys appropriated to the state parks and recreation commission during the 1971-73 biennium. Any rent or acquisition payments on such park lands received by the department of natural resources during the 1971-73 biennium shall be deposited to the applicable trust land account without any deduction by the department of natural resources for management or other purposes.

**NEW SECTION.** Sec. 112. It is the intent of the legislature that no state funds appropriated in this act shall be used to finance summer or interim student internships in state government.

**NEW SECTION.** Sec. 113. It is the intent of the legislature that no funds from any appropriation contained in this act shall be used to pay yearly merit increments resulting from employee longevity during the 1971-73 biennium for those employees whose salary computed on an annual basis as of July 1, 1971 exceeds \$15,000 per annum.

**NEW SECTION.** Sec. 114. 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. 115. 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 Durkan, Atwood and Dore; Representatives Goldsworthy, Kopet and Brouillet.

#### MOTION

Senator Durkan moved that the report of the Free Conference Committee on Engrossed Substitute House Bill No. 151 be adopted.

Debate ensued.

#### POINT OF INQUIRY

Senator Lewis: "Would Senator Dore yield to a question? Senator, is it the intent of Section 107 to preclude the granting of merit or longevity increases during the 1971-73 biennium?"

Senator Dore: "No. The intent incorporated in Section 107 applies only to salary increases in the same job classification and not to normal step increases or to increments resulting from employee longevity, except longevity increases for those individuals earning in excess of \$15,000 per annum as expressed in Section 113."

Further debate ensued.

Senators Henry, Bailey and Clarke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Durkan that the Free Conference Committee report on Engrossed Substitute House Bill No. 151 be adopted.

The motion carried.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent or not voting, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Greive, Henry, Herr, Jolly, Keefe, Lewis, McCutcheon, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Talley, Twigg, Walgren, Whetzel, Wilson—31.

Voting nay: Senators Cooney, Fleming, Francis, Gissberg, Guess, Holman, Huntley, Knoblauch, McDougall, Mardesich, Metcalf, Newschwander, Ridder, Stortini, Washington, Woodall—16.

Absent or not voting: Senator Matson—1.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, 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.

## PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, since the Chair did not see me, I did not get to make a couple of remarks on the budget. There are a couple of provisos in that budget that have to do with federal funding that I think the members of this body should have known about because it might create some problems when we have to come back here in January and come up with eleven million dollars or more because of the proviso itself, and the members of the committee, I think, are in doubt whether they would actually take place or be appropriate or not. So I would like to indicate a protest now that I will enter a statement in the Journal."

## PERSONAL PRIVILEGE

Senator Durkan: "Mr. President, the other day I was so busy I did not have a chance but I heard some busher talking about switch hitters always striking out. I have not had a chance to check all the records but just talking to my colleagues here today they pointed out that probably two of the great baseball players of all time, Mickey Mantle and Frankie Frisch, were switch hitters. If I am considered a switch hitter in this class, Mr. President, I feel honored and I would just like to let any busher who did not recognize baseball and was confused about fiscal matters be aware of this."

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 59, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 59, establishing a judicial retirement system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Gissberg, Woodall and Mardesich; Representatives Shera, Ross and Chatalas.

## MOTION

On motion of Senator Woodall, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.



## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 897, and has granted said committee the powers of Free Conference and the report of the Conference Committee is herewith transmitted.  
MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 9, 1971.

Mr. Speaker:

Mr. President:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 897, relating to revenue and taxation, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Donohue, Sandison and Andersen; Representatives Flanagan, Perry and Pardini.

## MOTION

On motion of Senator Donohue, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGES FROM THE HOUSE

May 9, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 291 and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Kuehnle, Bagnariol and Gilleland.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 766 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 510 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 706 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 373 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to REENGROSSED HOUSE BILL NO. 335 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 218 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 175 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 40 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 210 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 212 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 321 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 430 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 433 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 697 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 876 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:  
 SUBSTITUTE SENATE BILL NO. 109,  
 SENATE BILL NO. 136,  
 SENATE BILL NO. 168,  
 SENATE BILL NO. 179,  
 SENATE BILL NO. 183,  
 SENATE BILL NO. 291,  
 SENATE CONCURRENT RESOLUTION NO. 12,  
 HOUSE BILL NO. 403,  
 HOUSE BILL NO. 644,  
 SUBSTITUTE HOUSE BILL NO. 655,  
 HOUSE BILL NO. 888.

## MOTION

At 6:10 p.m., on motion of Senator Greive, the Senate recessed until 7:30 p.m.

## EVENING SESSION

The President called the Senate to order at 7:30 p.m.

## MOTION

At 7:30 p.m., on motion of Senator Greive, the Senate recessed until 7:55 p.m.

## SECOND EVENING SESSION

The President called the Senate to order at 7:55 p.m.  
Senators Greive, Knoblauch and Stortini 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 Stender who was previously excused.  
On motion of Senator Greive, the Senate proceeded under the Call of the Senate.

## MESSAGE FROM THE HOUSE

May 8, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 441 with the following amendments:

On page 1, line 1 of the title, after "procedure;" insert "providing for the regulation of outdoor music festivals;"

On page 1, lines 1 through 3 of the title, after "section" on line 1, strike everything through "9.41.040" on line 3 and insert "1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010"

On page 1, line 17, after "RCW 70.74.280;" insert "adding new sections to chapter 10 RCW;"

On page 1, line 23 of the title, after "creating" strike "a new section" and insert "new sections"

On pages 1 and 2 of both the printed and engrossed bills, strike section 1 and insert a new section as follows:

"Section 1. Section 1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010 are each amended to read as follows:

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, *second degree assault*, robbery, burglary and kidnapping."

On page 2, section 2, line 18 after "for" and before "from" strike "not more than one year" and insert "[not more than one year] two years"

On page 2, section 2, line 21, after "unless" and before "there" insert "*he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or*"

On page 2, section 2, lines 22 and 23 of both the engrossed and printed bills, after "a" on line 22 strike everything through "*violence,*" on line 23 and insert "crime of violence"

On page 2, line 24, after "institution" and before the period insert "": *PROVIDED, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol*"

On page 2, section 2, line 32 after "of" strike "such" and insert "[such] a two-year"

On page 2, section 2, line 33 after "treasury]" strike "six" and insert "five"

On page 3, section 2, line 3 after "(b)" strike "*Two dollars*" and insert "*One dollar fifty cents*"

On page 3, section 2, line 5 amend the amendment by Senator Durkan as follows: after "(c)" strike "*Two dollars*" and insert "*One dollar fifty cents*"

On page 8, section 14, line 17 of both the engrossed and printed bills, after "*involving*" strike "*sexual misbehavior,*"

On page 10, after line 13 of the engrossed bill, being line 14 of the printed bill, insert two new sections as follows:

"*NEW SECTION. Sec. 17. There is added to chapter 27, Laws of 1959 and to chapter 69.33 RCW a new section to read as follows:*

The sheriff of each county and the chief of police of any city or town may submit the names of not more than three of their deputies or officers of their departments to the chief of the state patrol to serve as special narcotics and dangerous drug agents of the Washington state patrol. Such agents shall have state-wide jurisdiction to investigate any suspected violation of the provisions of chapter 69.33 RCW and 69.40 RCW if such suspected violation is believed to have occurred in whole or in part within their local jurisdiction.

Whenever such agents travel outside their local jurisdiction to investigate a possible violation of chapters 69.33 or 69.40 RCW such agents shall register with the sheriff of the

county and if operating within a town or city, with the chief of police of such town or city before such agents may engage in any enforcement activities therein. Any such agent shall have power to arrest in all jurisdictions in which he is registered: PROVIDED, That such arrest power shall be limited to arrests for violations of chapter 69.33 and 69.40 RCW.

For purposes of this section such agents will be considered to be acting in behalf of their local law enforcement agency, shall continue on the staff of such agency with all rights and benefits, and shall not be deemed to be officers or employees of the Washington state patrol.

**NEW SECTION.** Sec. 18. There is added to chapter 9.91 RCW a new section to read as follows:

(1) It shall be unlawful for any person, firm or corporation engaged in the business of buying or otherwise obtaining new, used or secondhand metals to purchase or otherwise obtain such metals unless a permanent record of the purchase of such metals is maintained: PROVIDED, That no such record need be kept of purchases made by or from a manufacturer, remanufacturer or distributor appointed by a manufacturer of such metals.

For the purpose of this section the term "metals" shall mean copper, copper wire, copper cable, copper pipe, copper sheets and tubing, copper bus, aluminum wire, brass pipe, lead, electrolytic nickel and zinc.

(2) The permanent record required by subsection (1) of this section shall contain the following:

- (a) a general description of all property purchased;
- (b) the type and quantity or weight;
- (c) the name, address, driver's license number, and signature of the seller or the person making delivery; and,
- (d) a description of any motor vehicle and the license number thereof used in the delivery of such metals.

The information so recorded shall be retained by the purchaser for a period of not less than one year.

(3) Any violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment."

Remember the remaining sections consecutively.

On page 10 after section 16, and the foregoing amendment insert the following new sections:

**"NEW SECTION.** Sec. 19. The legislature hereby declares it to be in the public interest, and for the protection of the health, welfare and property of the residents of the state of Washington to provide for the orderly and lawful conduct of outdoor music festivals by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained. This invocation of the police power is prompted by and based upon prior experience with outdoor music festivals where the enforcement of the existing laws and regulations on dangerous and narcotic drugs, indecent exposure, intoxicating liquor, and sanitation has been rendered most difficult by the flagrant violations thereof by a large number of festival patrons.

**NEW SECTION.** Sec. 20. Nothing in this act shall be construed as precluding counties, cities and other political subdivisions of the state of Washington from enacting ordinances or regulations for the control and regulation of outdoor music festivals nor shall this act repeal any existing ordinances or regulations.

**NEW SECTION.** Sec. 21. For the purposes of this act the following words and phrases shall have the indicated meanings:

(1) "Outdoor music festival" or "music festival" or "festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is two thousand persons or more and where the duration of the program is five hours or longer: PROVIDED, That this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held: PROVIDED, FURTHER, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

(2) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor music festival.

(3) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the appropriate legislative authority for a license to hold an outdoor music festival.

(4) "Issuing authority" means the legislative body of the local governmental unit where the site for an outdoor music festival is located.

(5) "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival. A person shall be presumed to have knowingly provided as that phrase is used herein after he has been served with a court order.

**NEW SECTION.** Sec. 22. No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor music festival unless a valid permit has been obtained from the issuing authority for the operation of such music festival as provided for by this act. One such permit shall be required for each outdoor

music festival. A permit may be granted for a period not to exceed sixteen consecutive days and a festival may be operated during any or all of the days within such period. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this act shall be subject to the appropriate penalties as prescribed by this act.

**NEW SECTION. Sec. 23.** Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than sixty days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: **PROVIDED**, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

(d) Sewage disposal

(e) Food preparation facilities

(f) Toilet facilities

(g) Solid waste

(h) Insect and rodent control

(i) Shelter

(j) Dust control

(k) Lighting

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: **PROVIDED**, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs.

(c) During the hours that the festival site shall be open to the public there shall be at least one police officer for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site: **PROVIDED**, That the local enforcement authority may authorize an additional or lesser number of police officers to be in attendance at the festival site at such times or in such numbers as he deems necessary in keeping with the provisions of this act. The officers referred to by this subsection shall be counted as part of the twenty percent quota referred to in subsection (b) of subsection (9).

(d) All law enforcement personnel shall be charged with enforcing the provisions of this act and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the office of the state fire marshal that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this act.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

**NEW SECTION. Sec. 24.** Within twenty-one days after the filing of the application the issuing authority shall either approve or deny the permit to the applicant. Any denial shall set forth in detail the specific grounds therefor. The applicant shall have ten days after the receipt of such denial or such additional time as the issuing authority shall grant to correct

the deficiencies set forth and the issuing authority shall within fourteen days after receipt of such corrections either approve or deny the permit. Any denial shall set forth in detail the specific grounds therefor.

After the applicant has filed corrections and the issuing authority has thereafter again denied the permit, the applicant may within five days after receipt of such second denial seek judicial review of such denial by filing a petition in the superior court for the county of the issuing authority. The review shall take precedence over all other civil actions and shall be conducted by the court without a jury. The court shall, upon request, hear oral argument and receive written briefs and shall either affirm the denial or order that the permit be issued. An applicant may not use any other procedure to obtain judicial review of a denial.

**NEW SECTION.** Sec. 25. Any local agency requested by an applicant to give written approval as required by section 23 of this act may within fifteen days after the applicant has filed his application apply to the issuing authority for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred the issuing authority shall reimburse the local agency therefor from the funds of the permit fee. The issuing authority shall prior to the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

**NEW SECTION.** Sec. 26. After the application has been approved the promoter shall deposit with the issuing authority, a cash deposit or surety bond in the amount of one hundred fifty thousand dollars. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the promoter when the issuing authority is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned: PROVIDED, That the bond or cash deposit or the uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the issuing authority of the permit as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this act. The policy shall have the issuing authority of the permit as an additional named insured.

**NEW SECTION.** Sec. 27. Revocation of any permit granted pursuant to this act shall not preclude the imposition of penalties as provided for in this act and the laws of the state of Washington. Any permit granted pursuant to the provisions of this act to conduct a music festival shall be summarily revoked by the issuing authority when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

Any permit granted pursuant to the provisions of this act to conduct a music festival may otherwise be revoked for any material violation of this act or the laws of the state of Washington after a hearing held upon not less than three days notice served upon the promoter personally or by certified mail.

Every permit issued under the provisions of this act shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the appropriate authority to revoke such permit is a consideration of its issuance.

**NEW SECTION.** Sec. 28. No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any narcotic or dangerous drug as defined by chapters 69.33 or 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

**NEW SECTION.** Sec. 29. No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation unless waived by occupants.

**NEW SECTION.** Sec. 30. No person under the age of sixteen years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.

**NEW SECTION.** Sec. 31. Any permit granted pursuant to this act shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall be not transferable or assignable without the consent of the issuing authority.

**NEW SECTION.** Sec. 32. Any person who shall violate any provision of this act or knowingly participate in a music festival, or who shall, having obtained a permit pursuant to this act, wilfully fail to comply with the rules, regulations and conditions set forth in this act or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor.

*NEW SECTION.* Sec. 33. Sections 19 through 32 of this act shall be added to Title 70 RCW."

Renumber the remaining sections accordingly.,  
and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

Senator Gissberg moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 441.

Debate ensued.

#### POINT OF ORDER

Senator Francis: "I would like to raise the issue of scope and object on this bill. Is this a Senate bill? If so, I think the things that they have done in the House have certainly enlarged the scope and object of the bill. I understand that the bill originally was a very narrow scope having to do with—it was interfering with courts was all the bill related to. Now we have a rock festival bill, a narcotics agent in the state patrol; these are things I am told of. I do not know since we do not have it on the desk in front of me which is another thing I find highly objectionable about this procedure of bringing us a so-called omnibus bill that we do not have in front of us and I would, of course, ask that it be put over another day if we do not find that it is beyond the scope and object but I think it is clearly beyond the scope and object of the original bill that was sent to the House."

#### MOTION

On motion of Senator Francis, Engrossed Substitute Senate Bill No. 441, the pending House amendments and the Point of Order by Senator Francis were ordered held until an appropriate time.

#### REPORT OF CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 291, relating to gambling, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Keefe, Walgren and Huntley; Representatives Kuehnle, Bagnariol and Gilleland.

#### MOTIONS

On motion of Senator Bailey, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

At 8:10 p.m., on motion of Senator Greive, the Senate recessed subject to the call of the Chair.

#### THIRD EVENING SESSION

The President called the Senate to order at 9:35 p.m.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the Senate do immediately reconsider the vote by which Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, passed the Senate.

Senators Talley, Greive and Bailey demanded the previous question.

Senator Andersen demanded a roll call on the demand for the previous question and the demand was sustained by Senators Atwood, Guess, Bailey, Walgren, Francis, Keefe, Twigg, Fleming and Knoblauch.

## PARLIAMENTARY INQUIRY

Senator Atwood: "Does it take a two-thirds vote to cut off to the previous question?"

## REPLY BY THE PRESIDENT

The President: "No, Senator Atwood, a majority vote is sufficient to sustain the demand for the previous question."

## ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Durkan, Elicker, Guess, Holman, Huntley, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—21.

Excused: Senator Stender—1.

The President declared the question before the Senate to be the motion by Senator Bailey to immediately reconsider the vote by which the Senate passed Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee.

Senator Andersen demanded a roll call and the demand was sustained by Senators Bailey, Wilson, Canfield, Atwood, Greive, Dore, Keefe, Day and Huntley.

## ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Bailey carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, McCutcheon, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—26.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Durkan, Elicker, Guess, Holman, Huntley, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—22.

Excused: Senator Stender—1.

## MOTION

Senator Greive moved that Engrossed Substitute House Bill No. 151 be placed at the beginning of the calendar for tomorrow.

Senators Bailey, Greive and Ridder demanded the previous question.

Senator Andersen demanded a roll call on the demand for the previous question and the demand was sustained by Senators Holman, Bailey, Knoblauch, Huntley, Wilson, McDougall, Atwood, Connor and Keefe.

## ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Durkan, Elicker, Guess, Holman, Huntley, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—21.



Excused: Senator Stender—1.

### PERSONAL PRIVILEGE

Senator Atwood: "Mr. President and gentlemen of the Senate, I think this is one of the sadder days that I have seen here in the Senate when the majority party will not let the minority even speak or find out what the objections of the majority are or what the play is. But when you muzzle the minority like you have tonight I do not think you deserve the name of Democrat party."

The President declared the question before the Senate to be the motion by Senator Greive that consideration of Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, be placed at the beginning of the calendar for Monday, May 10, 1971.

The motion by Senator Greive carried. Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, was ordered placed at the beginning of the calendar for May 10, 1971.

### PROTEST

We, the undersigned, protest the tactics of the Democrats in binding, gagging and muzzling the Republicans on reconsideration of the free conference report on the budget.

The Democrats cut off debate, choking off argument on the merits, without explanation or opportunity for response. The reconsideration, itself, spiteful, useless, admittedly a ploy, irresponsibly delayed the legislative process, deliberately exacerbated a Democrat log jam, killed many meritorious bills and placed in jeopardy the winding up of the special session's work within the constitutional sixty days, reducing the time available to resolve differences between conference committees, and give consideration to the fiscal measures necessary.

Our constituents deserve better, especially in this race against the clock.

Signed by: Senators Newschwander, McDougall, Elicker, Clarke, Holman, Metcalf, Atwood, Andersen, Huntley, Matson, Twigg, Lewis, Scott, Murray, Peterson (Ted), Whetzel and Canfield.

### SECOND READING

ENGROSSED HOUSE BILL NO. 747, by Representatives Brown and Morrison:

Reapportioning and redistricting the legislature.

The bill was read the second time by sections.

Senator Greive moved adoption of the following amendment:

Strike everything after the enacting clause and insert:

"*NEW SECTION.* Section 1. For election of members of the legislature, the territory of the state shall be divided into forty-nine legislative districts as described in sections 2 through 50 of this act.

(1) The plan represented by this act is based on the 1970 United States Census with the data being adjusted according to the formula established by the attorney general of Washington in order to reflect the presence of transient military personnel. The legislature attempted to achieve precise mathematical equality in the populations of the various legislative districts. Any variation in the populations of the districts is inadvertent and resulted from the policy of following to the extent possible existing political subdivision boundaries, from the policy of choosing other easily identifiable boundaries, or from the necessity of subdividing the smallest census data division and interpolating the percentage of the population total in each portion.

It is legislative policy that census lines should rank no more than equally with other lines available for use in defining districts. The legislature finds that census unit lines are often hard to read on census maps; that the lines used in the 1970 census are often holdovers from earlier censuses and do not reflect urban and suburban growth, new roads, new communities, newly established ethnic groups, or additions to existing political subdivisions; that census unit sizes vary so greatly that it is impossible to use consistent sizes; that in some cases the smallest census units were unreadable or unit lines were missing, which would have forced the use of the larger census units as boundaries; and that voters and election officials find it difficult to determine their district boundaries if only census units are used in descriptions. In summary the legislature rejects the notion that state redistricting plans must be forced into the pattern established by the federal census lines since the federal census lines were arbitrarily created for the convenience of the federal government in enumerating persons and are not necessarily related to or effective for the process of state legislative redistricting.

(2) In order to provide the best possible representation for all persons the legislature established the policy of dividing a legislative district into two representative districts if significant factors dissimilarity were found to exist within a district and where a division of

the district would serve to provide more effective representation for the different communities of interest. The factors examined by the legislature included the following:

- (a) The combination of urban, suburban, or rural components within a district;
- (b) Presence of ethnic, racial, religious, nationality, or other cultural subgroups;
- (c) Presence of academic communities around colleges and universities;
- (d) Historical political subdivisions;
- (e) Significant transient populations;
- (f) Geographic factors such as isolation due to distance, mountains, or water barriers;
- (g) Special housing areas;
- (h) Variations in industrial, commercial and agricultural land use or zoning;
- (i) Patterns of home ownership and property taxation;
- (j) Communications and transportation patterns with particular reference to centers

of distribution of information, goods, and services;

(k) Age, income, occupation, family size, number of children in schools, and other demographic factors.

(3) A single three member district is maintained to accommodate the Washington legislative tradition of an uneven number in each house to guarantee that one party will have a majority. This has proven to be in the best interest of the people of the state of Washington.

A formula was devised which provides for proportional representation with the representation value of one of forty-nine senators being correlated with the representation value of one of ninety-nine representatives. Thus in the three house member district a slight under-representation in the senate is balanced by a slight over-representation in the house but in terms of representation units the two member districts and the three member district are equal under the one man, one vote concept.

(4) For the purposes of this act the following guides to interpretation shall apply:

(a) Road and street descriptions follow the centerline of the named or numbered streets and roads, and a straight line extension thereof where such named or numbered streets or roads have not been cut through, except where the context expressly indicates otherwise. Road and street descriptions are based to the extent possible on 1970 census maps.

(b) Water boundaries follow the main thread of a river or stream and the centerline of other bodies of water unless the context indicates otherwise.

(c) Municipal and district boundaries are those boundaries of the political subdivisions of the state as they appear on the 1970 census maps.

(d) Census tract and enumeration district boundaries are as they appear on the 1970 census maps.

(e) Boundary descriptions making reference to the boundaries of other legislative districts shall refer to the districts established by this act.

**NEW SECTION. Sec. 2.** The first legislative district shall consist of the area in King and Snohomish counties encompassed by the following boundaries:

(a) In King county beginning in the city of Seattle at the intersection of Aurora Ave. N. and N. 157th St.; proceed generally north and west along the boundary of the forty-fourth legislative district; east along the King-Snohomish county line; south along 244th Ave. NE; west along NE 8th St.; generally northwest along Ingewood Mill Rd. to Lake Sammamish; generally northwest along Lake Sammamish and the Sammamish River; west along NE 57th St.; generally north along State Highway 901; east along NE 87th St.; north along the Burlington Northern Railroad; west along NE 145th St.; north along 84th Ave. NE; generally northwest along Simonds Rd.; generally west along NE 170th St. to the centerline of Lake Washington; south along Lake Washington; generally west along the boundary of the forty-sixth, forty-fifth and forty-fourth legislative districts to the point of origin.

(b) In Snohomish county, beginning at the intersection of 48th Ave. W. and the Snohomish-King county line; proceed north, west, then south along the boundary of the twenty-first legislative district; east along the Snohomish-King county line through the point of origin; north and east along the boundary of the twenty-first legislative district; south along the boundary of the thirty-ninth legislative district; west along the Snohomish-King county line to the point of origin.

**NEW SECTION. Sec. 3. (1)** The second legislative district shall consist of Okanogan and Pend Oreille counties and the areas in Chelan, Douglas, Ferry, and Stevens counties encompassed by the following boundaries:

(a) All of Stevens and Ferry counties except for the portions south of a line beginning in Stevens county at the eastern quarter corner of section 36, township 29 north, range 31 east and proceeding east to the Stevens-Spokane county line, and from the same point proceeding west to the Ferry-Okanogan county line;

(b) In Douglas county beginning at the southeast corner of section 28, township 29 north, range 28 east; proceed south along the section lines to the Douglas-Grant county line; generally south and west along the Douglas county line to the western boundary of section 24, township 22 north, range 20 east; north along the section lines to the Douglas-Chelan county lines; generally north, east, then south along the Douglas county line to the north boundary of section 36, township 29 north, range 30 east; west along the section lines to the point of origin.

(c) In Chelan county the area east of a line beginning at the intersection of the Chelan-Okanogan county line and the western boundary of section 22, township 30 north,

range 21 east; and proceeding south along the section lines to the center line of Lake Chelan; generally south through Lake Chelan to the western boundary of section 34, township 28 north, range 21 east; south along the section lines to the Chelan-Douglas county line.

(2) The second legislative district shall be divided into representative districts 2-A and 2-B. Representative district 2-B shall consist of the portion of the district not included in representative district 2-A. Representative district 2-A shall consist of the area encompassed by the following boundaries: Beginning at the intersection of Okanogan, Ferry, and Lincoln counties; proceed north along the Okanogan-Ferry county line to the northeast corner of section 36, township 36 north, range 31 east; west along the section lines to the extension south of the 9th Standard Parallel North of the line dividing sections 19 and 20, township 38 north, range 28 east; north along such extension and along the section lines to the northeast corner of section 19, township 38 north, range 28 east; west along the section lines to the northwest corner of section 22, township 38 north, range 26 east; south along the section lines; west along the line dividing townships 35 and 36 north; south along the line dividing ranges 22 and 23 east to the southeast corner of section 25, township 35 north, range 22 east; west along the section lines to the northwest corner of section 35, township 35 north, range 21 east; south along the section lines to the 8th Standard Parallel North; east along the Parallel to the southeast corner of section 32, township 33 north, range 23 east; south along the section lines to the Methow River; generally south along the Methow River and along the Douglas county line; generally west along the line dividing sections 8 and 17, township 27 north, range 23 east, along the Chelan city limits, and along Lake Chelan to the boundary of the second district; generally south and east along the second legislative district boundary to the point of origin.

*NEW SECTION.* Sec. 4. The third legislative district shall consist of the area in Spokane county encompassed by the following boundaries: Beginning in the city of Spokane at the corner of 2nd Ave. and Monroe St.; proceed west along 2nd Ave.; north along Oak St.; west along Riverside Ave.; north along Chestnut St. and its extension; west along Mission Ave. and its extension to the logical extension of Assembly Rd.; south along the logical extension of Assembly Rd. and along Assembly Rd.; west along Hallett Rd.; south, west, then north along the boundaries of the Geiger Heights Military Housing Area; west along Hallett Rd.; south along the line between range 41 east and range 42 east to the southeast corner of section 13, township 23 north, range 41 east; west along the section lines to the southwest corner of section 15, township 23 north, range 40 east; north along the section lines to the line dividing township 23 north and township 24 north; west along the section lines to the southwest corner of section 36, township 24 north, range 40 east; north along the section lines and along their extension north of the 6th Standard Parallel North to the extension of Wellesley Ave.; east along such extension and along Wellesley Ave.; south along "I" St.; generally east along Garland Ave.; north along Crestline St.; east along Francis Ave. and its extension; generally south and southwest along the boundary of the fourth legislative district to the point of origin.

*NEW SECTION.* Sec. 5. (1) The fourth legislative district shall consist of the area in Spokane county encompassed by the following boundaries: Beginning at the intersection of the Washington-Idaho line and the Spokane-Pend Oreille county line; proceed west along the county line to the northwest corner of section 3, township 29 north, range 44 east; south along the section lines to the southwest corner of section 15, township 26 north, range 44 east; west along the section lines to the northwest corner of section 24, township 26 north, range 43 east; south along the section lines to the southwest corner of section 25, township 26 north, range 43 east; east along the section line to the line dividing range 43 east and range 44 east; south along the range line; generally south and west along the Spokane city limits; generally south and west along the Spokane River; south along Monroe St.; east along 3rd Ave.; south along Division St.; generally south and east along Rockwood Blvd.; east along 14th Ave.; south along Ray St.; east along 44th Ave., and its extension; north along Warsing Drive to the logical westward extension of 32nd Ave.; east along such extension; north along the extension of Argonne Rd. to the logical westward extension of 16th Ave.; east along such extension and along 16th Ave.; north along Evergreen Rd.; east along Sprague Ave.; south along Sullivan Rd.; east along the Chicago, Milwaukee, St. Paul and Pacific Railroad; north along Steen Rd.; east along Sprague Ave.; north along Flora Rd.; east along Alki Ave.; south along Michigan St.; generally northeast along Apple Way and along US 10; north along Harvard Rd.; generally east and north along the Spokane River; north along the Washington-Idaho line to the point of origin.

(2) The fourth legislative district shall be divided into representative districts 4-A and 4-B. Representative district 4-A shall be the portion of the district generally west of the A-B line. Representative district 4-B shall be the portion of the district generally east of the A-B line, which is described as follows: Beginning in the city of Spokane on the sixth legislative district boundary at the intersection of Napa St. and 14th Ave.; proceed north along Napa St.; east along Hartson Ave.; north along Greene St.; east along US 10; north on Havanna St. N.; east along Sprague Ave.; north along Pines Rd.; northeast along Trent Rd.; generally northwest and west along the Spokane River to the boundary of the third legislative district.

*NEW SECTION.* Sec. 6. (1) The fifth legislative district shall consist of the portions of Stevens and Ferry counties south of the second legislative district and the area in Spokane, Lincoln, Grant, and Douglas counties encompassed by the following boundaries:

(a) In Spokane county, beginning in the city of Spokane at the intersection of Wellesley Ave. and "I" St.; proceed west along Wellesley Ave.; generally north, east, north,

then west along the boundary of the seventh legislative district; north along the Spokane-Lincoln county line; generally east, north, then east along the Spokane-Stevens county line and the Spokane-Pend Oreille county line; generally south and west along the boundaries of the fourth and third legislative districts to the point of origin.

(b) In Lincoln county, the portion of the county north of a line beginning at the intersection of the Lincoln-Spokane county line and the line dividing sections 13 and 24, township 26 north, range 39 east; and proceeding west along the section lines to the southwest corner of section 13, township 26 north; range 33 east; north along the section lines to the northwest corner of section 25, township 27 north, range 33 east; west along the section lines to the Lincoln-Grant county line.

(c) In Douglas county, beginning at the southeast corner of section 28, township 29 north, range 28 east; proceed south along the boundary of the second legislative district; generally east and north along the Douglas-Lincoln county line, and the Douglas-Okanogan county line; west along the boundary of the second legislative district to the point of origin.

(d) In Grant county, the portion of the county north of the line dividing townships 22 and 23 north.

(2) The fifth legislative district shall be divided into representative districts 5-A and 5-B. Representative district 5-A shall be the area generally south of the A-B line. Representative district 5-B shall be the area generally north and west of the A-B line, which is described as follows: Beginning on the boundary of the seventh legislative district in the city of Spokane at the intersection of Audubon St. and Woodside Ave.; proceed south along Audubon St.; west along Holyoke Ave.; south along "C" St.; west along Francis Ave. to Fotheringham St.; south four thousand feet more or less to the westward extensions of Queen St.; east along the extension and along Queen St.; north along Monroe St.; east along Everett Ave.; north along Lincoln St.; east along Rowan Ave.; north along Ligerwood St.; east along Central Ave.; north along Standard St.; east along Francis Ave. to the boundary of the third legislative district.

**NEW SECTION.** Sec. 7. (1) The sixth legislative district shall consist of the area in Spokane and Whitman counties encompassed by the following boundaries:

(a) In Spokane county, beginning in the city of Spokane at the intersection of 23rd Ave. and Howard St.; proceed generally west along 23rd Ave. and its extension; north along the Burlington Northern Railroad; east along the logical westward extension of 16th Ave. and along 16th Ave.; generally south along Maple St.; generally east along 17th Ave.; generally north along Upper Terrace Rd.; generally east along the southern boundary of the fourth legislative district; south along the Washington-Idaho line; west along the Spokane-Whitman county line; north along the line dividing range 43 east and range 44 east; generally northwest along Elder Rd.; generally north along Valley Chapel Rd.; generally northwest along the Palouse Highway; generally west and north along the boundary of enumeration district 336; generally northeast along Hatch Rd.; generally north along Perry St.; west along 42nd Ave.; north along Arthur St.; generally west along 34th Ave. and W. 34th Ave. and its logical extension; north along an extension of Howard St. and along Howard St. to the point of origin.

(b) In Whitman county beginning at the intersection of the Whitman-Spokane county line and the line dividing sections 5 and 6, township 20 north, range 43 east; proceed south along the section lines to the southwest corner of section 8, township 19 north, range 43 east; east along the section lines to the line dividing range 43 east and range 44 east; south along the range line to the southwest corner of section 19, township 17 north, range 44 east; west along the section lines to the extension north of the 4th Standard Parallel North of the line dividing sections 3 and 4, township 16 north, range 43 east; south along such extension and along the section lines to the southwest corner of section 34, township 16 north, range 43 east; east along the section lines to the northwest corner of section 1, township 15 north, range 44 east; south along the section lines to the southwest corner of section 22, township 14 north, range 44 east; east along the section lines to the Washington-Idaho line; north along the Washington-Idaho line; west along the Whitman-Spokane county line to the point of origin.

(2) The sixth legislative district shall be divided into representative districts 6-A and 6-B. Representative district 6-A shall be the area of the sixth legislative district generally north and west of the A-B line and representative district 6-B shall be the area generally east and south of the A-B line, which is described as follows: Beginning in Spokane county at the intersection of Elder Rd. and the line dividing range 43 east and range 44 east; proceed east along Elder Rd.; generally northwest along Highway 27; generally north and east along Jackson Rd.; north along Conklin Rd.; east along 32nd Ave. and its extension; north along the western boundary of census enumeration district 325 to the boundary of the fourth legislative district.

**NEW SECTION.** Sec. 8. (1) The seventh legislative district shall consist of Lincoln county, except for the portion included in the fifth legislative district; Whitman county, except for the portion included in the sixth legislative district; Adams county, except for the portion included in the fifteenth legislative district; and the area in Spokane and Grant counties encompassed by the following boundaries:

(a) In Spokane county beginning in the city of Spokane at the intersection of Wellesley Ave., and "P" St.; proceed west along Wellesley Ave.; generally north and west along the Spokane city limits to the west quarter corner of section 27, township 26 north, range 42 east; east paralleling the section lines to the line dividing sections 27 and 26, township 26 north, range 42 east; south along the section line; generally east along Woodside Ave. and Dell Drive; generally north along Five Mile Rd.; east along an extension

of Welle St.; south along an extension of Ash St.; east along Francis Ave.; north along Division St.; east along E. Hawthorne Rd. to the line dividing sections 16 and 17, township 26 north, range 43 east; north along the section lines to the northwest corner of section 27, township 27 north, range 43 east; west along the section lines to the Spokane-Stevens county line; generally south and west along the county line to the line between sections 35 and 36, township 27 north, range 41 east; south along the section lines to the line dividing ranges 26 and 27 north; west along the range line; south along the Spokane-Lincoln county line; east along the Spokane-Whitman county line; generally north along the boundary of the sixth legislative district; generally northwest along the boundary of the fourth legislative district; generally south, west, north, then east along the boundary of the third legislative district to the point of origin.

(b) In Grant county, beginning at the intersection of the Grant-Lincoln county line with the line dividing townships 22 and 23 north; proceed south along the county line; west along the line dividing townships 18 and 19 north; north along the line dividing ranges 29 and 30 east to the northwest corner of section 19, township 21 north, range 30 east; west along the section lines to the line dividing ranges 27 and 28 east; north along the range lines to the line dividing townships 22 and 23 north; east along the township line to the point of origin.

(2) The seventh legislative district shall be divided into representative districts 7-A and 7-B: Representative district 7-B shall be the portion of the seventh legislative district not included in representative district 7-A. Representative district 7-A shall be the area encompassed by the following boundaries: Beginning in the city of Spokane on the boundary of the seventh legislative district at the intersection of 23rd Ave. and Adams St.; proceed south along Adams St. and along High Drive Parkway; south along the line dividing ranges 42 and 43 east; west along the line dividing townships 22 and 23 north to the southwest corner of section 34, township 23 north, range 40 east; north along the section lines to the northwest corner of section 22, township 26 north, range 40 east; east along the section lines to the Spokane River; generally north along the Spokane River to the line dividing sections 8 and 17, township 26 north, range 42 east; east along the section lines; south along Berridae Five Mile Rd.; generally east along the boundary of census enumeration district 253; east along Hawthorne Ave. to the boundary of the seventh legislative district; generally west along the boundary of the seventh legislative district to the point of origin.

**NEW SECTION. Sec. 9. (1)** The eighth legislative district shall consist of the area in Benton, Klickitat, Yakima, Skamania, Clark, and Cowlitz counties encompassed by the following boundaries:

(a) In Benton county beginning on the border of the eleventh legislative district at the intersection of State Route 14 with W. 27th Ave. south of Kennewick; proceed west along W. 27th Ave.; north along Union St.; generally northwest along the K.I.D. canal; north along Edison St.; generally southwest, west, and north along the Kennewick city limits; generally northwest along the Richland city limits; north along a southerly extension of Wellsian Way; generally northwest along the Atomic Energy Commission Railroad; generally east along Humphreys St.; north along Wright Ave.; east along Ogden St.; north along Willard Ave.; southeast along Smith Ave.; northeast along Partridge St.; south along Sanford Ave.; east along Swift Blvd.; south along Stevens Blvd.; east along Mansfield St.; north along Jadwin Ave.; east along Newton St.; north along the Columbia River; west then south along the northern and western portions of the Richland city limits to Van Giesen St.; west along Van Giesen St.; generally south along Bombing Range Rd.; west along Highway 410; north along a southerly extension of 9th St. in Benton City; generally northwest along the Yakima River to the eastern boundary of section 9, township 9 north, range 26 east; north along the section lines to the northeast corner of section 16, township 10 north, range 26 east; west along the section lines to the northwest corner of section 16, township 10 north, range 25 east; south along the section lines to the southwest corner of section 16, township 9 north, range 25 east; west along the section line to the northwest corner of section 20, township 9 north, range 25 east; south along the section line to the southwest corner of the same section; west along the section line to the north quarter corner of section 30, township 9 north, range 25 east; south to the south quarter corner of the same section; west along the section lines to the northwest corner of section 35, township 9 north, range 24 east; south along the section lines; southeast along Highway 410; generally west along the Yakima River; south along the Benton county line; generally east and north along the Washington state line; generally west and north along the boundary of the eleventh legislative district to the point of origin.

(b) In Klickitat county, the portion of the county north of the seventeenth legislative district.

(c) In Yakima county, beginning at the intersection of Yakima, Lewis, and Pierce counties; proceed east along the logical eastward extension of the line dividing Lewis and Pierce counties; generally south and east along the boundaries of legislative district 14, legislative district 15, and legislative district 16; generally south, west, then north along the Yakima county line to the point of origin.

(d) In Skamania county, the portion of the county north of the seventeenth legislative district.

(e) In Clark county, the portion of the county not included in the seventeenth legislative district or the forty-ninth legislative district.

(f) In Cowlitz county, the portion of the county not included in legislative districts 17 or 18.

(2) The eighth legislative district shall be divided into representative districts 8-A and 8-B. Representative district 8-A shall be the area generally north and west of the A-B line and representative district 8-B shall be the area generally south and east of the A-B line, which is described as follows: Beginning in Yakima county on the boundary of the sixteenth legislative district at the southwest corner of section 21, township 10 north, range 23 east; proceed west along the section lines; south along Hanford Rd.; west along the line dividing township 8 north and township 9 north to the north quarter corner of section 6, township 8 north, range 23 east; generally south paralleling the section lines to the line dividing township 6 north and township 7 north; west along the township boundary to the northwest corner of section 2, township 6 north, range 16 east; south along the section lines to the line dividing township 3 north and township 4 north; west along the township boundary to the boundary of the seventeenth legislative district.

**NEW SECTION.** Sec. 10. (1) The ninth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of Military Rd. S. and S. 188th St.; proceed east along S. 188th St.; south along Interstate 5; east along S. 216th St.; generally south and then east along Russell Rd. S.; east along S. 228th St.; south along 100th Ave. S.; West along S. 241st St.; south along 94th Ave. S.; generally southeast along the Kent-Kangley Rd.; east along SE 264th St.; south along 112th Ave. SE; west along SE 281st St.; generally south along the Green River; west along 22nd St. NE in Auburn; north along "I" St. NE; west along 24th St. NE; north along Auburn Ave.; west along 30th St. NE and along 30th St. NW; south along "B" St. NW; west along 29th St. NW; north along the State Highway 181; generally south and west along the southern boundary of census tract 298; generally north along 38th Place S. and 39th Ave. S.; east along S. 288th St.; generally north along 42nd Ave. S.; west along S. 272nd St.; north along 16th Ave. S.; west along the southern boundary of Saltwater State Park and its extension; generally northwest along Puget Sound, excluding Vashon Island; generally east and south along the boundary of the thirty-first legislative district to the point of origin.

(2) The ninth legislative district shall be divided into representative districts 9-A and 9-B. Representative district 9-A shall be the area north of the A-B line. Representative district 9-B shall be the area south of the A-B line, which is described as follows: Beginning on the boundary of the thirty-fifth legislative district at the intersection of S. 216th St. and Interstate 5; and proceeding west along S. 216th St.; south along Des Moines Way S. and along an extension of 7th Ave. S.; west along S. 220th St.; south along 6th Ave. S; west along 223rd Rd. S. to the boundary of the thirtieth legislative district.

**NEW SECTION.** Sec. 11. The tenth legislative district shall consist of Island county, except for the portion in the fortieth legislative district, and the area in Kitsap and Snohomish counties encompassed by the following boundaries:

(a) In Kitsap county, all of the county north of a line beginning at the intersection of the Kitsap-Jefferson county line and the southwest boundary of census enumeration district 14; proceed generally south and east along the southwest boundary of census enumeration district 14, south along the west boundaries of census enumeration district 15, enumeration district 16, and enumeration district 22 to the centerline of Dyes Inlet; generally south and east along the centerlines of Dyes Inlet and Port Washington Narrows; east along E. 16th St.; north along Winfield St.; east along E. 17th St.; south along Trenton St.; east along E. 16th St.; generally east across Port Orchard Bay and through Rich Passage to the Kitsap-King county line.

(b) In Snohomish county, beginning in the city of Everett at the intersection of 35th St. and Federal St.; proceed west along 35th St.; generally north along Snohomish Ave. and Laurel Drive; north on Bell Ave.; west along Warren St. and an extension thereof to the Snohomish county line; south along the Snohomish county line; generally east and north along the southern and eastern boundaries of census enumeration district 549; generally east along Sound Ave. and along 56th St. SW; north along 33rd Ave. W.; east along 52nd Place SW; generally south along Glenwood Ave.; north along Beverly Rd. and Dogwood Drive; generally east along Mukilteo Blvd.; north along Federal St. to the point of origin.

**NEW SECTION.** Sec. 12. (1) The eleventh legislative district shall consist of Asotin, Garfield, Columbia, and Walla Walla counties and the area in Benton county encompassed by the following boundaries: Beginning in the city of Kennewick at the intersection of S. Date St. and E. 3rd Ave.; south along S. Gum St.; generally south and west along the Kennewick city limits; south along S. Garfield St.; southwest along W. 36th Ave.; generally northwest along Highland Drive and its extension to the intersection of S. Vancouver St. and W. 27th Ave.; west along W. 27th Ave.; southwest and then south along Route 14; generally east and south along the boundary of census enumeration district 48; east along Belt Rd. and its logical extension to the Benton-Walla Walla county line; generally north and west along the Benton county line to the Burlington Northern Railroad bridge entering Kennewick near Locust St.; generally south and west along the railroad; south on S. Date St. to the point of origin.

(2) The eleventh legislative district shall be divided into representative districts 11-A and 11-B. Representative district 11-A shall consist of the eleventh legislative district except for the area of representative district 11-B, which is described as follows: Beginning in Walla Walla county at the intersection of Wallula Ave. and Hussey St.; proceed generally west along Wallula Ave. to the western boundary of section 27, township 7 north, range 35 east; south along the section lines to the Washington-Oregon line; east along the state line; north along the boundary between range 36 east and range 37 east to the northeast corner of section 24, township 7 north, range 36 east; west along the section lines to the Walla Walla

city limits; generally west, south, and north along the city limits; generally west along Mill Creek; south along Hussey St. to the point of origin.

**NEW SECTION Sec. 13.** (1) The twelfth legislative district shall consist of Chelan county, except for the portion included in the second legislative district; the portion of Douglas county west of the second legislative district; the portion of Kittitas county north of the thirteenth legislative district; and the area in King County encompassed by the following boundaries: Beginning at the intersection of King, Snohomish, and Chelan counties; proceed west along the county line to the northwest corner of section 2, township 26 north, range 6 east; south along the section lines to SE 184th St.; west along SE 184th St.; generally south along the boundary of the forty-seventh legislative district; generally east, north, then east along the boundary of the thirteenth legislative district; generally northeast and north along the King county line to the point of origin.

(2) The twelfth legislative district shall be divided into representative districts 12-A and 12-B. Representative district 12-A shall be the area generally west of the A-B line. Representative district 12-B shall be the area generally east of the A-B line, which is described as follows: Beginning on the boundary of the twelfth legislative district at the intersection of the Chelan-Snohomish county line and the line dividing townships 27 and 28 north; proceed east along the township line to the northwest corner of section 6, township 27 north, range 19 east; south along the section lines to the southwest corner of section 20, township 22 north, range 19 east; east along the section lines to the boundary of the twelfth legislative district.

**NEW SECTION Sec. 14.** (1) The thirteenth legislative district shall consist of the area in Kittitas, Grant, Yakima, Pierce, and King counties encompassed by the following boundaries:

(a) In Kittitas county beginning at the intersection of the Kittitas-Chelan county line with the line dividing township 23 north and township 24 north; proceed west along the township line; generally south then east along the Kittitas county line; generally east, north, then east along the boundary of the fourteenth legislative district; generally north then northwest along the Kittitas county line to the point of origin.

(b) In Yakima county beginning at the intersection of Yakima, Lewis, and Pierce counties; proceed generally north then southeast along the Yakima county line; south along the boundary of the fourteenth legislative district; west along the boundary of the eighth legislative district, to the point of origin.

(c) In Grant county beginning at the intersection of Grant, Douglas, and Kittitas counties; proceed generally north and east along the Grant county line; east along the line dividing township 22 north and township 23 north; south along the line dividing range 27 east and range 28 east to the southeast corner of section 13, township 21 north, range 27 east; east along the section lines; south along the line dividing range 29 east and range 30 east; generally west and southwest along the boundary of the fifteenth legislative district; north along the Grant county line to the point of origin.

(d) In Pierce county beginning at the intersection of the North Fork of the Puyallup River and the western boundary of Mt. Rainier National Park; proceed generally north along the boundaries of the twenty-fifth legislative district; generally east along the Pierce-King county line; south along the Pierce-Yakima county line; west along the Pierce-Lewis county line and along the boundary of the twenty-fifth legislative district to the point of origin.

(e) In King county, beginning at the intersection of King, Pierce, and Kittitas counties; proceed generally west along the King-Pierce county line; north along the boundary of the forty-seventh legislative district to the northwest corner of section 18, township 20 north, range 6 east; east along the section lines to the line dividing ranges 7 and 8 east; north along the range line to the northwest corner of section 18, township 24 north, range 8 east; east along the section line to the line dividing ranges 8 and 9 east; south along the range line; generally east along the line dividing townships 23 and 24 north; south along the King-Kittitas county line to the point of origin.

(2) The thirteenth legislative district shall be divided into representative districts 13-A and 13-B. Legislative district 13-A shall be the portion of the district generally west of the A-B line. Legislative district 13-B shall be the portion of the district generally east of the A-B line, which is described as follows: Beginning on the boundary of the thirteenth legislative district at the intersection of the Kittitas-Chelan county line and the line dividing ranges 17 and 18 east; proceed south along the range lines to the southeast corner of section 12, township 19 north, range 17 east; west along the section lines to the northwest corner of section 17, township 19 north, range 17 east; south along the section lines to the line dividing townships 17 and 18 north; east along the township line; northeast along Hanson Rd., along Thorp Highway, and across Interstate 90 on the West Ellensburg Interchange to State Highway 131; generally northwest and north along State Highway 131; north along Faust Rd. to the line dividing sections 16 and 21, township 18 north, range 18 east; east along the section lines to the southeast corner of section 17, township 18 north, range 19 east; south along the section lines to the boundary of the thirteenth legislative district.

**NEW SECTION Sec. 15.** (1) The fourteenth legislative district shall consist of the area in Yakima and Kittitas counties encompassed by the following boundaries:

(a) In Kittitas county beginning at the intersection of the Kittitas-Grant county line and the northern boundary of township 17 north; proceed west along the northern boundary of township 17 north; generally west and north along the Ellensburg city limits; south along Walnut St.; west along 9th Ave.; south along Main St.; generally southeast along Highway 97 to the line dividing sections 13 and 24, township 17 north, range 18 east; east along the section line to the line dividing range 18 east and range 19 east; south along the

range line; west along the 4th Standard Parallel North; generally south, east, then north along the Kittitas county line to the point of origin.

(b) In Yakima county, beginning at the intersection of Wide Hollow Creek and S. 80th Ave.; proceed north along S. 80th Ave.; west along Tieton Drive; north along Crookston Rd.; west along Summitview Ave.; north along the line dividing ranges 17 and 18 east; generally north and west along the Naches River and the Tieton River to the line dividing townships 14 and 15 north; west along the township lines to the line between range 14 east and range 15 east; north along the range lines to the Yakima-Kittitas county line; generally east and south along the Yakima county line; generally south and west along the boundary of the fifteenth legislative district to the point of origin.

(2) The fourteenth legislative district shall be divided into representative districts 14-A and 14-B. Representative district 14-A shall consist of the area of the fourteenth legislative district not included in representative district 14-B, which is described as follows: Beginning in Yakima county at the intersection of S. 80th Ave. and Midvale Rd.; proceed east along Midvale Rd. and its extension; north along S. 56th Ave.; east along Summitview Ave.; north along 49th Ave.; east along Englewood Ave.; generally south along N. Front St.; generally east along E. Yakima Ave.; generally northwest along Interstate 82 to the northern boundary of section 13, township 13 north, range 18 east; west along the section lines to the southwest corner of section 2, township 13 north, range 18 east; north along the section lines to the northwest corner of the same section; west along the section lines to Slade Rd.; north along Slade Rd.; west along Pleasant Hill Rd.; generally west and north along Selah Heights Rd.; generally west along Naches-Selah Rd. to the line between sections 28 and 29, township 14 north, range 18 east, north along the section lines to the Selah Yall Canal; generally northwest along the Selah Yall Canal to the line between sections 19 and 20, township 14 north, range 18 east; north along the section lines to the Yakima-Kittitas county line; east and south along the county line; generally south, west, then north along the boundary of the fourteenth legislative district to the point of origin.

*NEW SECTION.* Sec. 16. (1) The fifteenth legislative district shall consist of the area in Yakima, Grant, and Adams counties encompassed by the following boundaries:

(a) In Yakima county, beginning at the intersection of Yakima, Kittitas, and Grant counties; proceed generally southeast along the Yakima county line; generally south, west, then south and east along the boundary of legislative district 16 to the southwest corner of section 6, township 10 north, range 22 east; south along the section lines to the southeast corner of section 25, township 10 north, range 21 east; west along the section lines to the southwest corner of section 30, township 10 north, range 20 east; south along the section lines to the southeast corner of section 1, township 9 north, range 20 east; west along the section lines to the southwest corner of section 5, township 9 north, range 18 east; north along the section lines to Ahtanum Creek; generally west along Ahtanum Creek to the line dividing ranges 16 and 17 east; north along the range line and its extension north of the 3rd Standard Parallel North to the north boundary of section 31, township 13 north, range 17 east; east along the section lines to Wide Hollow Creek; generally east along Wide Hollow Creek; generally northeast along the Union Pacific Railroad; east along Nob Hill Blvd.; north along S. 44th Ave.; east along Tieton Drive; north along S. 40th Ave.; east along W. Chestnut Ave.; south along S. 32nd Ave.; east along W. Walnut Ave.; south along S. 26th Ave.; east along Tieton Drive; south on S. 10th Ave.; east along E. Nob Hill Blvd. and its logical extension; north along the logical extension of 33rd St. and along 33rd St. to the Roza Canal; east to the western boundary of section 15, township 13 north, range 19 east; north along the section lines to the Yakima-Kittitas county line; east along the Yakima county line to the point of origin.

(b) In Grant county, beginning at the intersection of Grant, Yakima, and Kittitas counties; proceed generally south along the Grant-Yakima county line; east and north along the Grant-Benton county line; north, east, then north along the Grant-Adams county line to Interstate 90; west along Interstate 90; generally south and west along the Moses Lake city limits; generally west and south along Interstate 90; west along the northern boundary of township 17 north; south along the county line to the point of origin.

(c) In Adams county, beginning at the northeast corner of section 3, township 16 north, range 29 east; proceed south along the section lines to the Othello city limits; generally east, south, then west along the Othello city limits to the same section lines; south along the section lines to the Adams-Franklin county line; west along the county line to the Adams-Grant county line; north and east along the Adams county line to the point of origin.

(2) The district shall be divided into representative districts 15-A and 15-B. Representative district 15-A shall be the area generally north and east of the A-B line and district 15-B shall be the area generally south and west of the A-B line, which is described as follows: Beginning in Yakima County at the intersection of Wide Hollow Creek and 64th Ave.; proceed south along 64th Ave.; west along W. Washington Ave. and its logical extension; north along S. 20th Ave.; east along Meade Ave.; south along Landon Ave. and its logical extension; east along Lower Ahtanum Rd.; generally south along Goodman Rd.; and south along the line between range 18 east and range 19 east to the southeast corner of section 25, township 12 north, range 18 east; east along the section lines to the western boundary of the sixteenth legislative district.

*NEW SECTION.* Sec. 17. The sixteenth legislative district shall consist of Franklin county, the two discrete portions of Benton county not otherwise included in legislative districts eleven and sixteen, and the area in Yakima county encompassed by the following



boundaries: Beginning at the southwest corner of section 21, township 19 north, range 23 east; proceed north along the section lines to the northwest corner of section 9, township 10 north, range 23 east; west along the section lines to the line dividing range 21 east and range 22 east; north along the range line to the northwest corner of section 19, township 11 north, range 22 east; west along the section lines to the southwest corner of section 13, township 11 north, range 20 east, north along the section lines to the northwest corner of section 36, township 12 north, range 20 east; west along the section lines to the southwest corner of section 26, township 12 north, range 19 east; north along the section lines to Mieras Rd.; east along Mieras Rd. and its logical extension; south along the Yakima-Benton county line to the southeast corner of section 24, township 10 north, range 23 east; west along the section lines to the point of origin.

**NEW SECTION.** Sec. 18. (1) The seventeenth legislative district shall consist of the area in Clark, Skamania, Cowlitz and Klickitat counties encompassed by the following boundaries:

(a) In Clark county beginning at the intersection of the Clark-Skamania county line with the Washington-Oregon line; proceed north along the county line; west along the East Fork of the Lewis River to the line dividing sections 21 and 28, township 4 north, range 2 east; west along the section lines to the southwest corner of section 22, township 4 north, range 1 east; generally north along the section lines to the Clark-Cowlitz county line; generally west and south along the county line; generally south and east along the Washington-Oregon line; generally south and east along the northern and eastern boundaries of the forty-ninth legislative district; generally east along the Washington-Oregon line to the point of origin.

(b) In Skamania county beginning at the intersection of the line dividing Skamania and Klickitat counties and the Washington-Oregon line; proceed generally north along the line dividing Skamania and Klickitat counties to the northeast corner of section 24, township 4 north, range 9 east; west to the Skamania-Clark county line; south along the Skamania county line; east along the Washington state line to the point of origin.

(c) In Klickitat county beginning at the intersection of the line dividing Klickitat and Skamania counties with the Washington state line; proceed generally north along the county line to the northwest corner of section 30, township 5 north, range 10 east; east along the section lines to the northeast corner of section 30, township 5 north, range 14 east; south along the section lines to the Washington state line; west along the Washington state line to the point of origin.

(d) In Cowlitz county, beginning at the intersection of the Cowlitz-Clark county line with the Washington-Oregon line; proceed north along the Washington-Oregon line; east along the boundary of the eighteenth legislative district to the northeast corner of section 21, township 6 north, range 1 east; south along the section lines to the Cowlitz-Clark county line; southwest along the county line to the point of origin.

(2) The seventeenth legislative district should be divided into representative districts 17-A and 17-B. Representative district 17-A shall consist of the portion of the legislative district east of the A-B line. Representative district 17-B shall consist of the portion of the legislative district west of the A-B line, which is described as follows: Beginning on the boundary of the forty-ninth legislative district at the intersection of NE 112th Ave. and NE 49th St.; proceed north along NE 112th Ave; generally east along NE Fourth Plain Rd.; generally northeast along NE Ward Rd.; north along NE 172nd Ave.; west along NE 159th St.; north along NE 170th Ave.; west along NE 169th St.; north along NE 167th Ave.; east along county road No. 78; north along county road No. 7, to the north boundary of section 19, township 4 north, range 3 east; west along the section lines to the southeast corner of section 13, township 4 north, range 2 east; north along the section lines to the legislative district boundary.

**NEW SECTION.** Sec. 19. The eighteenth legislative district shall consist of Wahkiakum county and the area in Cowlitz county encompassed by the following boundaries: Beginning at the intersection of the Cowlitz-Wahkiakum county line with the Washington-Oregon line; proceed north along the Cowlitz-Wahkiakum county line; east along the Cowlitz-Lewis county line; south along the Willamette Meridian to the southeast corner of section 13, township 6 north, range 1 west; west along the section lines to the Washington-Oregon line; north along the Washington-Oregon line to the point of origin.

**NEW SECTION.** Sec. 20. The nineteenth legislative district shall consist of Pacific county and the area in Grays Harbor county encompassed by the following boundaries: Beginning at the east quarter corner of section 15, township 20 north, range 12 west; proceed east along the boundary of the twenty-fourth legislative district; south along the Grays Harbor-Mason county line; south along the line dividing ranges 6 and 7 west to the west quarter corner of section 30, township 18 north, range 6 west; east paralleling the section lines to the line dividing sections 25 and 26, township 18 north, range 6 west; south along the section lines; east along the 4th Standard Parallel North to the north quarter corner of section 1, township 16 north, range 5 west; south paralleling the section lines to the Grays Harbor-Lewis county line; west along the county line; north along the Washington territorial limits; east along the boundary of the twenty-fourth legislative district to the point of origin.

**NEW SECTION.** Sec. 21. The twentieth legislative district shall consist of Lewis county, the portion of Grays Harbor county not included in the nineteenth or twenty-fourth legislative districts, and the area in Thurston and Pierce counties encompassed by the following boundaries:

(a) In Thurston county beginning at the intersection of Thurston, Grays Harbor, and Mason counties; proceed east along the Thurston-Mason county line and along the line dividing townships 18 and 19 north to the northeast corner of section 3, township 18 north, range 3 west; south along the section lines; generally southeast along State Route 8; south along the line dividing ranges 2 and 3 west; east along the 4th Standard Parallel North; south along the Willamette Meridian to the southwest corner of section 6, township 16 north, range 1 east; east along the section lines to the Thurston county line; generally south, west, then north along the Thurston county line to the point of origin.

(b) In Pierce county beginning at the intersection of the Pierce-Thurston county line with the line dividing ranges 3 and 4 east; proceed generally north and east along the boundary of the twenty-ninth legislative district; generally east, north, then south along the boundary of the twenty-fifth legislative district; generally south and east along the Puyallup River and the North Fork of the Puyallup River; south along the western boundary of Mt. Rainier National Park; east along an extension of the line dividing sections 18 and 19 in township 15 north, range 10 east to the Nisqually River; generally west and north along the Lewis-Pierce and Lewis-Thurston county lines to the point of origin.

**NEW SECTION. Sec. 22.** The twenty-first legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection of the Snohomish-King county line and 48th Ave. W.; proceed generally east along the boundary of the first legislative district; generally north and west along the boundary of the thirty-ninth legislative district; generally west along 148th St.; northeast along State Highway 1; generally north along Lake Rd. and State Highway 525; east along 18th Place; generally west along the boundary of the tenth legislative district; south along the Snohomish-Island and Snohomish-Kitsap county line; generally east and south along the boundaries of the forty-fourth and first legislative districts to the point of origin.

**NEW SECTION. Sec. 23.** The twenty-second legislative district shall consist of the portion of Thurston county not included within the twentieth legislative district.

**NEW SECTION. Sec. 24.** The twenty-third legislative district shall consist of Kitsap county except for the area in the tenth legislative district, and the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the center line of the Tacoma Narrows with the northern boundary of section 16, township 21 north, range 2 east; proceed west along the section lines to the southwest corner of section 11, township 21 north, range 1 east; south along the section lines to the southeast corner of section 15, township 21 north, range 1 east; east along the section lines to the north quarter corner of section 23, township 21 north, range 1 east; south along the section lines to the centerline of Hale Passage; generally southeast through Hale Passage; generally southwest through Puget Sound excluding Ketron Island but including Anderson, McNeil, and Fox Islands; generally north along the Pierce-Thurston county line and the Pierce-Mason county line; east along the Pierce-Kitsap county line; south along the centerline of Colvos Passage and the entrance to The Narrows to the point of origin.

**NEW SECTION. Sec. 25.** The twenty-fourth legislative district shall consist of Clallam, Jefferson, and Mason counties, and the area in Grays Harbor county north of a line beginning at the east quarter-corner of section 15, township 20 north, range 12 west and extending westward paralleling the section lines to the Washington territorial limits, and from the same point eastward to the Grays Harbor-Mason county line.

**NEW SECTION. Sec. 26.** The twenty-fifth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the 5th Standard Parallel North and the White River; proceed generally southeast along the White River; south along the line dividing range 5 east and range 6 east; west along the Buckley Highway; generally south along Werron Rd. and along the South Prairie-Connel Prairie Rd. in sections 1 and 12, township 19 north, range 5 east and its extension south to the southern boundary of section 13, township 19 north, range 5 east; east along the section line to A. P. Tubbs Rd. in section 19, township 19 north, range 6 east; south along A. P. Tubbs Rd. to the southern boundary of section 29, township 19 north, range 6 east; west along the section line to the Carbon River; generally west and north along the Carbon River to its confluence with the Puyallup River; generally south then west along the boundary of census enumeration district 53; generally north along the boundaries of the twenty-ninth, twenty-seventh, and twenty-sixth legislative districts; east along the Pierce-King county line to the point of origin.

**NEW SECTION. Sec. 27.** (1) The twenty-sixth legislative district shall consist of the area in King and Pierce counties encompassed by the following boundaries:

(a) In King county beginning at the intersection of State Highway 181 and the King-Pierce county line; proceed west then north along the county line; east then north along the boundary of the thirtieth legislative district; generally east and south along the boundary of the ninth legislative district; generally south along the Green River; east along an extension of 16th St. NE; south along 104th Ave. SE; west along 8th St. NE; generally south and east along the Green River; southwest along the southeastern boundary of census tract 311; generally southeast along the White River to the north boundary of section 33, township 21 north, range 5 east; west along the section line to the northeast corner of section 32, township 21 north, range 5 east; south along the section lines to the King-Pierce county line; west along the county line to the point of origin.

(b) In Pierce county, beginning in the city of Tacoma at the intersection of State Highway 16 and Pearl St.; proceed east then south on State Rd. 16; east along 6th Ave.; northeast along Division Ave.; south along "L" St.; east along S. 19th St.; North along Tacoma Ave.; east along S. 15th St.; north along Dock St.; east and northeast along 11th

St.; east along the 5th Standard Parallel North; south along Golday Rd.; east along Ward St. and 12th St.; south along 70th Ave.; east along 20th St. E., Yuma St. in the town of Milton, and 53rd Ave.; generally north and east along the eastern boundary of enumeration district 20; east along 57th Ave. NW; south along Meridian Road; east along 49th Ave. NE; generally south along 11th St.; east along 41st Ave. NE; north along the White River; generally west then north along the Pierce-King county line; generally northwest, west and south along the boundary of the thirtieth legislative district to the point of origin.

(2) The twenty-sixth legislative district shall be divided into representative districts 26-A and 26-B. 26-A shall be the portion of the twenty-sixth legislative district generally west of the A-B line. Representative district 26-B shall be the portion generally east of the A-B line, which is defined as follows: Beginning in the city of Tacoma at the intersection of E. "F" St. and E. 11th St.; proceed generally northeast along E. 11th St. to Alexander Ave.; generally north to the intersection of N. Shore Blvd. and 33rd St. NE; east along 33rd St. NE; north along 45th Ave. NE to the boundary of the twenty-sixth legislative district.

**NEW SECTION.** Sec. 28. The twenty-seventh legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning in the city of Tacoma at the intersection of 6th Ave. and State Highway 16; proceed south and southeast along State Highway 16; south along Orchard St.; east along 100th St. SW; south along the Burlington Northern Railroad; east along an extension of Pacific St.; generally northeast along Interstate 5; east along 96th St. S.; north along Hosmer St. S.; east along S. 80th St.; north along Park Ave.; east along S. 48th St.; north along "G" St.; east along S. 38th St.; north along Tacoma Ave.; generally northeast along Interstate 5; generally southeast along the Puyallup River; north along 13th St. NE in the North Puyallup area; generally west along the southern boundary of the twenty-sixth legislative district to the point of origin.

**NEW SECTION.** Sec. 29. The twenty-eighth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning at the intersection of the Narrows and the Tacoma Narrows Bridge; proceed east then south along the boundaries of the thirtieth, twenty-sixth, and twenty-seventh legislative districts; generally southwest along Interstate 5; generally southwest, then south, along the northwestern boundary of McChord Air Force Base; generally west along McChord Drive and New York St.; generally southwest along Interstate 5; east along the northern boundary of American Lake Gardens; south along Woodbrook Rd.; west along 150th St. SW; south along an extension of Fir St.; generally west along the south boundary of American Lake Gardens; north along Murray St.; south along Interstate 5; west then generally north along the boundaries of census tract 729 to the Steilacoom city limits; generally east, north, then west along the eastern boundary of Steilacoom city limits to Puget Sound; west to the boundary of the twenty-third legislative district; north along the boundaries of the twenty-third and thirtieth legislative districts to the point of origin.

**NEW SECTION.** Sec. 30. The twenty-ninth legislative district shall consist of the area in Pierce county encompassed by the following boundaries: Beginning in the city of Tacoma on the boundary of the twenty-seventh legislative district at the intersection of Park Ave. and 54th St.; proceed east along 54th St. and along Tanglewood St.; south along the Chicago, Milwaukee, St. Paul and Pacific Railroad; east along 72nd St. E.; south along Golden Givins Rd. E.; east along 80th St. E.; south along Wilkeson St. E.; east along 84th St. E.; south along 24th Ave. E.; east along 96th St. E.; south along Fruitland Ave. E.; east along 112th St. E.; south along State Highway 161; west along 136th St. E.; south along 94th Ave. E.; west along 152nd St. E.; generally south and west along 156th St. E. and along Military Rd. E.; south along Canyon Rd.; west along Old Military Rd.; generally southeast along the Chicago, Milwaukee, St. Paul, and Pacific Railroad; west along the Muck-Kapowsin Rd.; generally southeast along State Highway 7; south along the line dividing range 3 east and range 4 east; generally northwest along the Pierce-Thurston county line; generally northeast along the boundary of the twenty-third legislative district; generally southeast then north along the boundaries of the twenty-eighth and twenty-seventh legislative districts to the point of origin.

**NEW SECTION.** Sec. 31. (1) The thirtieth legislative district shall consist of the area in King and Pierce counties encompassed by the following boundaries:

(a) In King county, beginning at the intersection of the southern boundary of Salt Water State Park and Puget Sound; proceed generally east and south along the boundary of the thirtieth legislative district; generally south along 68th Ave. S.; State Highway 181, and Detroit Blvd.; west along S. 376th St.; generally northwest and west along the King-Pierce county line; generally north along the King-Kitsap county line; generally south and east along the boundaries of the thirty-first legislative district and the thirtieth legislative district to the point of origin;

(b) In Pierce county, beginning in the city of Tacoma at the intersection of Proctor St. and 31st St.; proceed west along 31st St.; north along Verde St.; west along 33rd St.; north along Gove St.; west along N. 36th St.; south along Baltimore St.; west along 35th St.; south along Pearl St.; generally northwest along State Highway 16; south along the centerline of The Narrows; generally northwest, north, east, then north along the boundary of the twenty-third legislative district; generally southeast, northeast, then southeast along the Pierce-King county line; west along the eastward extension of Mana-Wana Place; south along Varco Rd. and Kennedy Rd. to the extreme low waterline; generally southwest across Commencement Bay to the intersection of the extreme low waterline with Carr St.; south along Carr St.; northwest along N. Yakima; south along Steele St.; west along 21st St.; north along Proctor St. to the point of origin.

(2) The thirtieth legislative district shall be divided into representative districts 30-A and 30-B. Representative district 30-A shall be the portion of the legislative district generally west of the A-B line. Representative district 30-B shall consist of Vashon and Maury Islands and the portion of the legislative district generally east of the A-B line, which is described as follows: Beginning in King county at the intersection of the shoreline of Puget Sound and the northern boundary of census enumeration district 383; proceed southeast along the boundary of census enumeration district 383; northwest along State Highway 509; generally southeast along SW Dumas Rd.; northeast along Dash Point Rd.; east along SW 312th St.; south along 1st Ave. S.; east along S. 320th St.; south along Pacific Highway south and 16th Ave. S. to the boundary of the thirtieth legislative district.

*NEW SECTION.* Sec. 32. The thirty-first legislative district shall be the area in King County encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of SW Mills St. and Fautleroy Way SW; proceed southwest along Fautleroy Way SW; generally east along SW Othello St.; south along California Ave. SW; east along SW Holden St.; south along 39th Ave. SW; east along SW Kenyon St.; south along 14th Ave. SW; east along SW Elmgrove St.; south along 1st Ave. S.; east along SW 132nd St. and its extension; south along Des Moines Way S.; east along S. 144th St.; south on 16th Ave. S.; generally east and south along Interstate 405; south along 24th Ave. S.; east along S. 160th St.; generally south and east along Military Rd. S.; west along S. 188th St.; northwest along 12th Place S.; north along 14th Ave. S.; west along S. 166th St.; south along 1st Ave. S.; west along the northern boundary of Normandy Park; north along 11th Ave. SW; east along SW 158th St.; north along 10th Ave. SW; east along SW 149th St.; generally north along SW Ambaum Blvd.; west along an extension of SW 136th St.; generally north and west through Puget Sound (excluding Vashon and Maury Island) to the intersection of the King county line and an extension of SW Mills St.; east along such extension and along SW Mills St. to the point of origin.

*NEW SECTION.* Sec. 33. (1) The thirty-second legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of 20th Ave. NE and NE 50th St.; proceed west along NE 50th St. and N. 50th St.; north along Aurora Ave. N.; west along N. 70th St.; south along Greenwood Ave. N.; west along N. 60th St. and NW 60th St.; north along 8th Ave. NW; west along NW 70th St.; north along 19th Ave. NW; west along NW Canoe Place; north along 20th Ave. NW; west along NW 85th St.; south along 30th Ave. NW; west along NW 69th St.; south along 33rd Ave. NW; west along NW 68th St. and its extension to the King county line; south along the King county line; generally east along the northern boundary of the thirty-sixth legislative district; north along 15th Ave. NE; east along NE 38th St.; generally north along Montlake Blvd.; east along NE 45th St.; northeast along 45th Place; north along 35th Ave. NE; west along NE 65th St.; south along 20th Ave. NE to the point of origin.

(2) The thirty-second legislative district shall be divided into representative districts 32-A and 32-B. Representative district 32-A shall be the portion of the district generally east of the A-B line and representative district 32-B shall be the area generally west of the A-B line, which is described as follows: Beginning on the border of the thirty-second district at the intersection of NW 68th St. and 34th Ave. NW; and proceeding south along 34th Ave. NW; east along NW 64th St.; south along 32nd Ave. NW; east along NW 60th St.; south along 15th Ave. NW; east along NW 54th St.; south along 8th Ave. NW; east along NW 50th St.; south along Greenwood Ave. N.; east along N. 45th St.; south along 1st Ave. NE; east along NE 39th St.; south along 2nd Ave. NE to the boundary of the thirty-second legislative district.

*NEW SECTION.* Sec. 34. The thirty-third legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of 1st Ave. S. and S. 116th St.; proceed east along S. 116th St.; south along 8th Ave. S.; east along S. 120th St.; north along Old Military Rd.; east along S. 116th St.; generally east and south along S. 115th Place and S. 116th Place; north along Pacific Highway S.; east along the Duwamish River to the logical extension of 32nd Ave. S.; north along the extension of 32nd Ave. S.; east along the Seattle city limits; north along State Highway 21; southeast along Beacon Ave. S.; generally north and east along the boundary of the thirty-fifth legislative district; north along Lake Washington excluding Mercer Island; generally west and south along the boundary of the thirty-seventh legislative district; south along Interstate 5; generally east and south along Columbian Way; south along 15th Ave. S.; generally west and south along the Seattle city limits; generally south along the boundary of the thirty-first legislative district to the point of origin.

*NEW SECTION.* Sec. 35. (1) The thirty-fourth legislative district shall be the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of E. Cherry St. and 15th Ave.; proceed south along the boundary of the thirty-seventh and thirty-third legislative districts; west along the boundary of the thirty-first legislative district; north along the King county line; east along the southern boundary of the thirty-seventh legislative district to the point of origin.

(2) The thirty-fourth legislative district shall be divided into representative districts 34-A and 34-B. Representative district 34-A shall be the portion north of the A-B line. Representative district 34-B shall be the portion south of the A-B line, which is described as follows: Beginning at the intersection of the King-Kitsap county line and the westerly extension of SW Andover St. in the city of Seattle; east along such extension and along SW Andover St.; north along 40th Ave. SW; east along SW Manning St.; south along 35th Ave. SW; east along SW Juneau St. to the boundary of the thirty-third legislative district.

**NEW SECTION.** Sec. 36. The thirty-fifth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of S. Fletcher St. with 51st Ave. S.; proceed north along 51st Ave. S.; east along Rainier Ave. S.; north along 57th Ave. S. to the shore of Lake Washington; east to the centerline of Lake Washington; south along Lake Washington to the western boundary of the Renton city limits; generally southwest along the city limits; west along NW 24th Ave.; south along 84th Ave. S.; east along S. 132nd Rd.; generally south, east, and west along the Renton city limits; generally east along Sunset Blvd. W. and SW 4th Place; south along Stevens Ave. SW. generally east along Chicago, St. Paul, Milwaukee and Pacific Railroad; south along Hardie Ave. SW; east along Interstate 405; south on Talbot Rd.; south along Puget Drive and southeast along Benson Rd.; east along SE 168th St.; south along 121st Ave. SE; southeast along SE 170th Place; east along SE 172nd St.; south along 129th Ave. SE; generally east along Petrovitsky Rd.; south along 140th Ave. SE; west along SE 208th St.; south along 116th Ave. SE; west along SE 228th St.; generally west and north along the boundary of the ninth legislative district; generally north along the boundary of the thirty-first legislative district; generally east along the boundary of the thirty-third legislative district to the point of origin.

**NEW SECTION.** Sec. 37. (1) The thirty-sixth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Denny Way and Third Ave.; proceed southeast along Third Ave.; northeast along Olive Way and Olive Way E.; north along Boylston Ave. E.; east along E. Harrison St.; north along Harvard Ave. E.; east along E. Roy St.; north along Broadway Ave. E.; east along E. Aloha St.; north along 10th Ave. E.; east along E. Prospect St.; north along Federal Ave. E.; east along E. Newton St.; north along Everett Ave. E.; east along E. Lynn St.; north along 16th Ave. E.; generally west along the Lake Washington ship canal, through Lake Union, and along the Salmon Bay Waterway to its entrance into Shilshole Bay; west to the King county line; south along the county line to the extension of W. Denny Way; east along such extension, along W. Denny Way, and along Denny Way to the point of origin.

(2) The thirty-sixth legislative district shall be divided into representative districts 36-A and 36-B. Representative district 36-A shall be the portion of the district generally south of the A-B line. Representative district 36-B shall be the portion of the legislative district generally north of the A-B line, which is described as follows: Beginning at the intersection of the King-Kitsap county line and the extension of W. Dravus St.; proceed east along W. Dravus St.; south along 14th Ave. W.; east along W. Wheeler St.; south along 11th Ave. W.; generally east along W. McGraw St.; south along Nob Hill Ave. N.; west along Galer St.; south along 3rd Ave. N.; east along Highland Drive; south along Nob Hill Ave. N.; generally east along Roy St. and E. Roy St. to the boundary of the district.

**NEW SECTION.** Sec. 38. The thirty-seventh legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Denny Way and Third Ave.; proceed west along the southern boundary of the thirty-sixth legislative district; south along the King county line; east along the extension of Yesler Way and along Yesler Way; northeast along James St.; east along E. Cherry St.; south along 15th Ave.; east along E. Spruce St.; south along 16th Ave. and 16th Ave. S.; west along S. Dearborn St.; south along Interstate 5; east along S. Atlantic St.; south along 17th Ave. S.; generally east along S. Massachusetts St.; north along 29th Ave. S.; east along S. Atlantic St.; north along 33rd Ave. S.; east along Interstate 90; south along 35th Ave. S.; east along S. Massachusetts St.; north along the center line of Lake Washington; west along U.S. 520; south along 37th Ave. E.; southwest along E. Madison St.; generally north along the western boundary of Broadmoor Golf Club and along 30th Ave. E.; west along U.S. 520; south and southwest along 20th Ave. E.; southeast along E. Boyer St.; generally southwest along 22nd Ave. E.; south along W. Interlaken Blvd.; east along E. Garfield St.; north along Everett Ave. E.; generally west and south along the boundary of the thirty-sixth legislative district to the point of origin.

**NEW SECTION.** Sec. 39. The thirty-eighth legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection in section 8, township 29 north, range 5 east of the Snohomish River and the Burlington Northern Railroad; proceed generally east and south along the boundary of the thirty-ninth legislative district; generally west and north along the twenty-first legislative district; generally east, north, then west along the boundary of the tenth legislative district; north along the Snohomish county line; east along the boundary of the thirty-ninth legislative district to the point of origin.

**NEW SECTION.** Sec. 40. The thirty-ninth legislative district shall consist of the area in Snohomish county encompassed by the following boundaries: Beginning at the intersection in section 8, township 29 north, range 5 east, of the Snohomish River and the Burlington Northern Railroad; proceed generally west and northwest along the river and through the passage north of Gedney Island to the Snohomish-Island county line; north along the county line; generally east and north along the boundary of the fortieth legislative district; east, generally south, then west along the Snohomish county line to the southwest corner of section 32, township 27 north, range 6 east; north along the section lines to the east quarter corner of section 7, township 27 north, range 6 east; west paralleling the section lines to the logical southerly extension of 67th Ave.; north along the extension of 67th Ave.; generally northeast along Ebey Slough to the quarter section line of section 26, township 28 north, range 5 east; east on said quarter section line; generally northeast along State Highway 204; east on Meridian St.; north along 99th Ave. NE; west along 28th St. NE and its extensions; generally south along the Burlington Northern Railroad to the point of origin.

**NEW SECTION.** Sec. 41. The fortieth legislative district shall consist of San Juan county; Skagit county, except for the portion included in the forty-second legislative district; and the area in Island and Skagit counties encompassed by the following boundaries:

(a) In Island county beginning on Whidbey Island at the northwest corner of section 33, township 33 north, range 1 east; proceed south and west along Crosby Rd. and its extension to the extreme low waterline of the Straits of Juan de Fuca; generally northwest to the intersection of Island, Jefferson and San Juan counties; generally northeast along the Island-San Juan county line; generally east and south along the Island-Skagit and Island-Snohomish county lines; generally north and west along the centerline of Saratoga passage; west and north along the boundary of census enumeration district 8 to the Oak Harbor city boundary; generally north along the Oak Harbor city boundary to the western boundary of section 36, township 33 north, range 1 east; north along the section line to the northwest corner of section 36, township 33 north, range 1 east; west along the section lines to the point of origin;

(b) In Snohomish county beginning at the intersection of Snohomish, Island, and Skagit counties; proceed east along the Snohomish-Skagit county line to the northeast corner of section 4, township 32 north, range 10 east; south along the section lines to the east quarter corner of section 33, township 31 north, range 10 east; northwest to the south quarter corner of section 13, township 31 north, range 9 east; west along the section lines to the southwest corner of section 16, township 31 north, range 9 east; north along the section lines to the line dividing township 31 north and township 32 north; west along the township boundary to the southwest corner of section 35, township 32 north, range 6 east; north along the section line to the northwest corner of the same section; west along the section lines; south along Interstate 5; west along the Stillaguamish River to the southern boundary of section 32, township 32 north, range 4 east; west along the line dividing township 31 north and township 32 north; north along the Snohomish-Island county line to the point of origin.

**NEW SECTION.** Sec. 42. The forty-first legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of SE 16th St. with 104th Ave. SE; proceed north along 104th Ave. SE; east along Main St.; north along 165th Ave. NE; east along NE 1st St. and along the northern boundary of census tract 231; south along Lake Sammamish; generally south then west along the boundary of the forty-seventh legislative district; generally southwest then north around Mercer Island along the boundaries of the thirty-fifth and thirty-third legislative districts; generally southeast along the northern boundary of census tract 243; east along an extension of SE 16th St. and along SE 16th St. to the point of origin.

**NEW SECTION.** Sec. 43. The forty-second legislative district shall consist of Whatcom county and the area in Skagit county encompassed by the following boundaries: Beginning at the intersection of the Skagit-Whatcom county line and the line dividing ranges 7 and 8 east; proceed south along the range line; southwest along Grandy Creek to the south boundary of section 3, township 35 north, range 7 east; west along the section lines; south along Interstate 5; west along Joe Leary Slough to the southerly extension of Thomas Rd.; north along Thomas Rd.; generally north and west along State Route 11 to the bridge over the stream formed by Whitehall Creek and Colony Creek in section 22, township 36 north, range 3 east; generally west along such stream and its extension; north along the centerline of Samish Bay to the Skagit-Whatcom county line; east along the Skagit-Whatcom county line to the point of origin.

**NEW SECTION.** Sec. 44. (1) The forty-third legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of 132nd Ave. NE and NE 55th St.; proceed generally west and south along the boundary of the forty-eighth legislative district; generally west and south along the boundary of the thirty-seventh legislative district; generally north along the boundary of the thirty-sixth, thirty-second and forty-sixth legislative districts; generally east and south along the boundary of the first legislative district; west along the boundary of the forty-eighth legislative district to the point of origin.

(2) The forty-third legislative district shall be divided into representative districts 43-A and 43-B. Representative district 43-A shall be the area generally west and south of the A-B line. Representative district 43-B shall be the area generally east and north of the A-B line, which is described as follows:

Beginning in the city of Seattle on the boundary of the forty-sixth legislative district at the intersection of NE 85th St. and the shoreline of Lake Washington; proceed generally northeast across Lake Washington to NE 112th St.; east along northeast 112th St.; south along 108th Ave. NE and 6th St. in Kirkland; generally southwest along Central Way; south along an extension of 98th Ave. NE to the boundary of the forty-eighth legislative district.

**NEW SECTION.** Sec. 45. (1) The forty-fourth legislative district shall consist of the area in King and Snohomish counties encompassed by the following boundaries:

(a) In King county, beginning at the intersection of King, Snohomish, and Kitsap counties; proceed east along the King-Snohomish county line; south along 15th Ave. NW; southeast along Richmond Rd.; east along NW 191st St.; south along Aurora Ave. N.; generally south and west along the boundary of the forty-fifth legislative district; generally west along the boundary of the thirty-second legislative district; north along the King-Kitsap county line to the point of origin.

(b) In Snohomish county, beginning at the intersection of Snohomish, King, and Kitsap counties; proceed east along the Snohomish-King county line; north along 84th Ave.

W.; east along 236th St. SW; generally northeast along Peterson Drive; east along 234th St. SW; north along 48th Ave. W.; east along 212th St. SW; north along 44th Ave. W.; west along 196th St. SW; north along W. 64th Ave.; west along 192nd St. SW; south along W. 71st Ave.; west along 193rd St. SW; south along W. 73rd Ave.; west along 194th St. SW; south along W. 74th Ave.; west along 196th St. SW; south along W. 88th Ave.; west along 220th St. SW; north along 2nd Ave.; west along 215th St. SW; south along the Snohomish-Kitsap county line and east along the Snohomish-King county line to the point of origin.

(2) The forty-fourth legislative district shall be divided into representative districts 44-A and 44-B. Representative district 44-A shall be the portion of the legislative district south of the A-B line. Representative district 44-B shall be the portion north of the A-B line, which is described as follows: Beginning in Snohomish county on the boundary of the forty-fourth legislative district at the intersection of 236th St. SW and 84th Ave.; and proceeding west along 236th St. SW; south along 100th Ave. W.; west along 238th St. SW; south along 112 Ave. W.; west along the King-Snohomish county line to the Kitsap county line.

**NEW SECTION.** Sec. 46. The forty-fifth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Roosevelt Way NE and NE 50th St.; proceed north along Roosevelt Way NE; west along NE 85th St.; north along 5th Ave. NE; west along NE 158th St. and N. 158th St.; south along Meridian Ave. N.; west along N. 157th St.; south along Aurora Ave. N.; west along NW 145th St.; south along Greenwood Ave. N.; west along NW 115th St.; south along 8th Ave. NW; southwest along Holman Rd.; south along 14th Ave. NW; west along NW 85th St.; generally south and east along the boundary of the thirty-second legislative district to the point of origin.

**NEW SECTION.** Sec. 47. The forty-sixth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Seattle at the intersection of Roosevelt Way NE and NE 50th St.; proceed generally north and west along the boundary of the forty-fifth legislative district; north along Wallingford Ave. N.; east along N. 170th St.; north along Meridian Ave. N.; east along N. 171st St.; south along Interstate 5; east along NE 170th St.; north along 5th Ave. NE; east along NE 180th St.; generally southeast along 24th Ave. NE and along NE 178th St.; south along 30th Ave. NE; east along NE 155th St.; south along Lake Washington; west along NE 85th St.; south along 30th Ave. NE; west along NE 75th St.; south along 26th Ave. NE; generally south and west along the boundary of the thirty-second legislative district to the point of origin.

**NEW SECTION.** Sec. 48. The forty-seventh legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning at the intersection of the centerline of the channel in Lake Washington between Mercer Island and the eastern shore of the lake with the northern boundary of census tract 252; proceed generally south and east along the boundary of census tract 252 to the Renton city limits at 116th Ave. SE; generally south and east along the city limits; east along SE 106th St.; south along Union Ave. SE; generally east along the Renton-Issaquah Rd.; north along 148th Ave. SE; southeast along Coalfield Way; north along an extension of 149th Ave. SE to the Bellevue city limits; west, north, then east along the Bellevue city limits; east along an extension of SE 48th St.; north to the intersection of 52nd Ave. NE and Newport-Issaquah Rd.; generally northwest along Newport-Issaquah Rd.; generally north along 153rd Ave. SE; east along SE 41st St. to the Newport-Issaquah Rd.; generally east along the Newport-Issaquah Rd.; generally north along a line drawn from the intersection of 171st Place SE with SE 43rd St. to the intersection of SE 38th St. with State Highway 901; generally north along State Highway 901; east along SE 35th St.; south along 176 Ave. SE; generally southwest along Covington Way; generally southwest along 164th Place SE; west along SE 292nd St.; generally southeast along the Kent-Black Diamond Rd.; south along 196th Ave. SE; generally west along the Green River; south along 180th Ave. SE to the White River; generally north along the boundaries of the twenty-fifth, twenty-sixth, ninth, and thirty-fifth legislative districts; generally northeast along Lake Washington, excluding Mercer Island, to the point of origin.

**NEW SECTION.** Sec. 49. The forty-eighth legislative district shall consist of the area in King county encompassed by the following boundaries: Beginning in the city of Bellevue at the intersection of 132nd Ave. NE and NE 55th St.; proceed north along 132nd Ave. NE; generally west along NE 70th St., NE 72nd Place, and NE 68th St.; south along Lake Washington and along the boundary of the thirty-seventh legislative district; generally east and south along the boundary of the forty-first legislative district; south along the boundary of the forty-seventh legislative district; generally east and north along the boundary of the twelfth legislative district; generally northwest along the boundary of the first legislative district; west along NE 60th St.; south along 154th Ave. NE; west along NE 55th St. to the point of origin.

**NEW SECTION.** Sec. 50. The forty-ninth legislative district shall consist of the area in Clark county encompassed by the following boundaries: Beginning near the eastern boundary of the city of Vancouver at the intersection of NE 112th Ave. and SE Mill Plain Rd.; proceed north along NE 112th Ave. and its logical extension to NE 49th St.; west along a logical extension of NE 49th St.; generally southwest along NE Fourth Plain Blvd.; north along NE 66th Ave.; west along NE 58th St. to the intersection with the logical northward extension of NE 50th Ave.; north along the logical extension of NE 50th Ave. to an intersection with the logical extension eastward of NE 65th St.; west along the logical

extension of NE 65th St. and NE 65th St. to the Burlington Northern Railroad right of way; north to NE 78th St.; west along NE 78th St.; north on Interstate 5; west on NW 99th St.; north on NW 11th Ave.; west on NW 109th St.; north on NW 16th Ave.; west on NW 119th St. and its logical extension to the Washington state line; generally south and east along the Washington state line to an intersection with a southerly extension of SE 164th Rd.; north along SE 164th Rd.; west along SE Mill Plain Rd. to the point of origin.

*NEW SECTION.* Sec. 51. The Senate shall consist of forty-nine members, one of whom shall be elected from each of the forty-nine legislative districts.

*NEW SECTION.* Sec. 52. Of the senators provided for in this act, one senator shall be elected from each of the following legislative districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1974, and every four years thereafter, for a term of four years: 6, 7, 8, 13, 15, 21, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, 48. A senator shall be elected from each of the other senatorial districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every four years thereafter, for a term of four years.

*NEW SECTION.* Sec. 53. The House of Representatives shall consist of ninety-nine members, two of whom shall be elected from each legislative district; except that three representatives shall be elected from the forty-second legislative district. The members shall be elected at large from the legislative district unless a legislative district has been subdivided into two representative districts, in which case, one member shall be elected from each representative district.

*NEW SECTION.* Sec. 54. The representatives provided for in this act shall be elected from the legislative districts created by this act at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter, each for a term of two years.

*NEW SECTION.* Sec. 55. The term of office of each senator and representative elected after the effective date of this act shall commence on the second Monday in January following the date of election.

*NEW SECTION.* Sec. 56. The intent of this act is to include all of the territory of the state in the forty-nine legislative districts created by this act, whether or not such territory has been encompassed within the boundaries of the areas specifically described. If any territory of the state is not included within the areas specifically mentioned, such territory shall be assigned to a legislative district as follows: (1) If such territory be completely surrounded by territory embraced within a given legislative district, such territory shall be and become a part of such district; (2) If such territory shall not be thus surrounded but shall adjoin one or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants. If any territory which has been specifically mentioned is embraced within two or more legislative districts, such territory shall be and become a part of the adjoining district having the smallest number of inhabitants, and shall not be part of the other district or districts. The 1970 United States census shall be used for determining the number of inhabitants under this act. If any territory has been specifically mentioned as embraced within a given legislative district but is in fact separated from such district by territory of one or more other districts, such territory shall be assigned as though it had not been included within a district specifically mentioned herein.

*NEW SECTION.* Sec. 57. This act shall not affect the forty-second legislature or the terms of its members. The terms of each senator elected at the 1970 general election for a new term commencing in January, 1971 shall continue until the second Monday in January, 1975.

*NEW SECTION.* Sec. 58. On the basis of the adjusted population data the population of the state was apportioned by districts as follows:

1	.....	68,026
2	.....	68,069
	A	34,022
	B	34,047
3	.....	68,111
4	.....	68,052
	A	34,001
	B	34,051
5	.....	68,082
	A	34,041
	B	34,041
6	.....	67,980
	A	33,945
	B	34,035
7	.....	68,016
	A	34,059
	B	33,957
8	.....	68,010
	A	34,006
	B	34,004
9	.....	68,052
	A	34,048
	B	34,004



10		68,050
11		68,004
	A	34,010
	B	33,994
12		68,028
	A	34,003
	B	34,025
13		68,021
	A	33,996
	B	34,025
14		68,083
	A	34,045
	B	34,038
15		68,008
	A	34,003
	B	34,005
16		68,009
17		68,106
	A	34,028
	B	34,078
18		68,050
19		68,017
20		67,993
21		68,060
22		68,005
23		68,002
24		68,066
25		68,020
26		68,015
	A	34,014
	B	34,001
27		68,072
28		68,024
29		68,013
30		67,980
	A	34,011
	B	33,969
31		68,013
32		68,030
	A	34,025
	B	34,005
33		68,012
34		68,082
	A	34,029
	B	34,053
35		68,037
36		68,022
	A	34,007
	B	34,015
37		68,047
38		68,033
39		68,042
40		68,050
41		68,051
42		85,000
43		68,022
	A	34,025
	B	33,997
44		68,048
	A	34,022
	B	34,026
45		68,040
46		68,059
47		68,020
48		68,036
49		68,007

NEW SECTION. Sec. 59. Sections 1 through 58 of this act are added to chapter 44.07 RCW.

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 6, Laws of 1965 and RCW 44.07.005;
- (2) Section 2, chapter 6, Laws of 1965 and RCW 44.07.010;
- (3) Section 3, chapter 6, Laws of 1965 and RCW 44.07.020;
- (4) Section 4, chapter 6, Laws of 1965 and RCW 44.07.030;
- (5) Section 5, chapter 6, Laws of 1965 and RCW 44.07.040;

- (6) Section 6, chapter 6, Laws of 1965 and RCW 44.07.050;
- (7) Section 7, chapter 6, Laws of 1965 and RCW 44.07.060;
- (8) Section 8, chapter 6, Laws of 1965 and RCW 44.07.070;
- (9) Section 9, chapter 6, Laws of 1965 and RCW 44.07.080;
- (10) Section 10, chapter 6, Laws of 1965 and RCW 44.07.090;
- (11) Section 11, chapter 6, Laws of 1965 and RCW 44.07.100;
- (12) Section 12, chapter 6, Laws of 1965 and RCW 44.07.110;
- (13) Section 13, chapter 6, Laws of 1965 and RCW 44.07.120;
- (14) Section 14, chapter 6, Laws of 1965 and RCW 44.07.130;
- (15) Section 15, chapter 6, Laws of 1965 and RCW 44.07.140;
- (16) Section 16, chapter 6, Laws of 1965 and RCW 44.07.150;
- (17) Section 17, chapter 6, Laws of 1965 and RCW 44.07.160;
- (18) Section 18, chapter 6, Laws of 1965 and RCW 44.07.170;
- (19) Section 19, chapter 6, Laws of 1965 and RCW 44.07.180;
- (20) Section 20, chapter 6, Laws of 1965 and RCW 44.07.190;
- (21) Section 21, chapter 6, Laws of 1965 and RCW 44.07.200;
- (22) Section 22, chapter 6, Laws of 1965 and RCW 44.07.210;
- (23) Section 23, chapter 6, Laws of 1965 and RCW 44.07.220;
- (24) Section 24, chapter 6, Laws of 1965 and RCW 44.07.230;
- (25) Section 25, chapter 6, Laws of 1965 and RCW 44.07.240;
- (26) Section 26, chapter 6, Laws of 1965 and RCW 44.07.250;
- (27) Section 27, chapter 6, Laws of 1965 and RCW 44.07.260;
- (28) Section 28, chapter 6, Laws of 1965 and RCW 44.07.270;
- (29) Section 29, chapter 6, Laws of 1965 and RCW 44.07.280;
- (30) Section 30, chapter 6, Laws of 1965 and RCW 44.07.290;
- (31) Section 31, chapter 6, Laws of 1965 and RCW 44.07.300;
- (32) Section 32, chapter 6, Laws of 1965 and RCW 44.07.310;
- (33) Section 33, chapter 6, Laws of 1965 and RCW 44.07.320;
- (34) Section 34, chapter 6, Laws of 1965 and RCW 44.07.330;
- (35) Section 35, chapter 6, Laws of 1965 and RCW 44.07.340;
- (36) Section 36, chapter 6, Laws of 1965 and RCW 44.07.350;
- (37) Section 37, chapter 6, Laws of 1965 and RCW 44.07.360;
- (38) Section 38, chapter 6, Laws of 1965 and RCW 44.07.370;
- (39) Section 39, chapter 6, Laws of 1965 and RCW 44.07.380;
- (40) Section 40, chapter 6, Laws of 1965 and RCW 44.07.390;
- (41) Section 41, chapter 6, Laws of 1965 and RCW 44.07.400;
- (42) Section 42, chapter 6, Laws of 1965 and RCW 44.07.410;
- (43) Section 43, chapter 6, Laws of 1965 and RCW 44.07.420;
- (44) Section 44, chapter 6, Laws of 1965 and RCW 44.07.430;
- (45) Section 45, chapter 6, Laws of 1965 and RCW 44.07.440;
- (46) Section 46, chapter 6, Laws of 1965 and RCW 44.07.450;
- (47) Section 47, chapter 6, Laws of 1965 and RCW 44.07.460;
- (48) Section 48, chapter 6, Laws of 1965 and RCW 44.07.470;
- (49) Section 49, chapter 6, Laws of 1965 and RCW 44.07.480;
- (50) Section 50, chapter 6, Laws of 1965 and RCW 44.07.490;
- (51) Section 51, chapter 6, Laws of 1965 and RCW 44.07.500;
- (52) Section 52, chapter 6, Laws of 1965 and RCW 44.07.510;
- (53) Section 53, chapter 6, Laws of 1965 and RCW 44.07.520;
- (54) Section 54, chapter 6, Laws of 1965 and RCW 44.07.530;
- (55) Section 55, chapter 6, Laws of 1965 and RCW 44.07.540;
- (56) Section 56, chapter 6, Laws of 1965 and RCW 44.07.550; and
- (57) Section 58, chapter 6, Laws of 1965 and RCW 44.07.910.

*NEW SECTION.* Sec. 61. If the inclusion in this act of any set or sets of separate representative districts within a legislative district or districts shall render this chapter invalid, the whole legislative district or districts shall be treated as a district or districts with two representatives elected at large and without separate representative districts. If any other provisions of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

*NEW SECTION.* Sec. 62. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972 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.

If any court of competent jurisdiction, in a proper action, invalidates the present redistricting plan or directs that the state be redistricted prior to the referendum vote on this act, then the plan contained in this act shall be the plan which shall become effective.

If the legislature enacts a second legislative redistricting act which is signed into law by the governor then this act shall not be referred to a vote of the people."

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

On motion of Senator Greive, the following amendment to the title was adopted:

Strike the title and insert:

"An Act relating to the legislature; providing for the redistricting and reapportionment of the state and its population into legislative districts; adding new sections to chapter 44.07

RCW; repealing section 1, chapter 6, Laws of 1965 and RCW 44.07.005; repealing section 2, chapter 6, Laws of 1965 and RCW 44.07.010; repealing section 3, chapter 6, Laws of 1965 and RCW 44.07.020; repealing section 4, chapter 6, Laws of 1965 and RCW 44.07.030; repealing section 5, chapter 6, Laws of 1965 and RCW 44.07.040; repealing section 6, chapter 6, Laws of 1965 and RCW 44.07.050; repealing section 7, chapter 6, Laws of 1965 and RCW 44.07.060; repealing section 8, chapter 6, Laws of 1965 and RCW 44.07.070; repealing section 9, chapter 6, Laws of 1965 and RCW 44.07.080; repealing section 10, chapter 6, Laws of 1965 and RCW 44.07.090; repealing section 11, chapter 6, Laws of 1965 and RCW 44.07.100; repealing section 12, chapter 6, Laws of 1965 and RCW 44.07.110; repealing section 13, chapter 6, Laws of 1965 and RCW 44.07.120; repealing section 14, chapter 6, Laws of 1965 and RCW 44.07.130; repealing section 15, chapter 6, Laws of 1965 and RCW 44.07.140; repealing section 16, chapter 6, Laws of 1965 and RCW 44.07.150; repealing section 17, chapter 6, Laws of 1965 and RCW 44.07.160; repealing section 18, chapter 6, Laws of 1965 and RCW 44.07.170; repealing section 19, chapter 6, Laws of 1965 and RCW 44.07.180; repealing section 20, chapter 6, Laws of 1965 and RCW 44.07.190; repealing section 21, chapter 6, Laws of 1965 and RCW 44.07.200; repealing section 22, chapter 6, Laws of 1965 and RCW 44.07.210; repealing section 23, chapter 6, Laws of 1965 and RCW 44.07.220; repealing section 24, chapter 6, Laws of 1965 and RCW 44.07.230; repealing section 25, chapter 6, Laws of 1965 and RCW 44.07.240; repealing section 26, chapter 6, Laws of 1965 and RCW 44.07.250; repealing section 27, chapter 6, Laws of 1965 and RCW 44.07.260; repealing section 28, chapter 6, Laws of 1965 and RCW 44.07.270; repealing section 29, chapter 6, Laws of 1965 and RCW 44.07.280; repealing section 30, chapter 6, Laws of 1965 and RCW 44.07.290; repealing section 31, chapter 6, Laws of 1965 and RCW 44.07.300; repealing section 32, chapter 6, Laws of 1965 and RCW 44.07.310; repealing section 33, chapter 6, Laws of 1965 and RCW 44.07.320; repealing section 34, chapter 6, Laws of 1965 and RCW 44.07.330; repealing section 35, chapter 6, Laws of 1965 and RCW 44.07.340; repealing section 36, chapter 6, Laws of 1965 and RCW 44.07.350; repealing section 37, chapter 6, Laws of 1965 and RCW 44.07.360; repealing section 38, chapter 6, Laws of 1965 and RCW 44.07.370; repealing section 39, chapter 6, Laws of 1965 and RCW 44.07.380; repealing section 40, chapter 6, Laws of 1965 and RCW 44.07.390; repealing section 41, chapter 6, Laws of 1965 and RCW 44.07.400; repealing section 42, chapter 6, Laws of 1965 and RCW 44.07.410; repealing section 43, chapter 6, Laws of 1965 and RCW 44.07.420; repealing section 44, chapter 6, Laws of 1965 and RCW 44.07.430; repealing section 45, chapter 6, Laws of 1965 and RCW 44.07.440; repealing section 46, chapter 6, Laws of 1965 and RCW 44.07.450; repealing section 47, chapter 6, Laws of 1965 and RCW 44.07.460; repealing section 48, chapter 6, Laws of 1965 and RCW 44.07.470; repealing section 49, chapter 6, Laws of 1965 and RCW 44.07.480; repealing section 50, chapter 6, Laws of 1965 and RCW 44.07.490; repealing section 51, chapter 6, Laws of 1965 and RCW 44.07.500; repealing section 52, chapter 6, Laws of 1965 and RCW 44.07.510; repealing section 53, chapter 6, Laws of 1965 and RCW 44.07.520; repealing section 54, chapter 6, Laws of 1965 and RCW 44.07.530; repealing section 55, chapter 6, Laws of 1965 and RCW 44.07.540; repealing section 56, chapter 6, Laws of 1965 and RCW 44.07.550; and repealing section 58, chapter 6, Laws of 1965 and RCW 44.07.910."

On motion of Senator Greive, the rules were suspended, Engrossed House Bill No. 747, 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 Murray: "Would Senator Greive yield to a question? Senator, in all of these court cases, what was the basis for determining the mathematical accuracy of the plan involved?"

Senator Greive: "Almost invariably it was the investigation of the legislative body that drew the plan. In other words, as we have in this plan and as all of the people have in the other plan, they issue and publish statistics and the statistical statistics were always there and were made by the body that made the investigation. Rather interesting in the Republican plan, you have a floating population of twelve hundred. Now it is easy to laugh that off and say, well you have only twelve hundred; who is worrying about the twelve hundred? But how do you know you added things up right? How do you know that there is not a six thousand mistake one place, seven thousand another, four thousand and five thousand? All you have is the total. It is like trying to add an account. In other words, if you do not properly account you never really know because you are looking at a gross total and one error might offset another, you cannot really determine how far off you are. It is absolutely essential in any of these plans, as we have done, to locate every piece of population and account for it. It is also quite interesting that in the Republican plan the very . . ."

#### POINT OF ORDER

Senator Atwood: "I believe the Senator answered Senator Murray's question. He has already spoken once on the matter and that should be, under our rules, all he is entitled to."

Senator Greive: "And continuing, it is also quite obvious, I think, that when you look at the Republican plan that their variance is more than two and one-half percent where ours is two-tenths of one percent."

#### POINT OF INQUIRY

Senator McDougall: "Mr. President, will Senator Elicker yield to a question? Senator, what is the basis for determining any plan that might come before the court?"

Senator Elicker: "I would point to the best evidence rule and say that when there is absolutely incontrovertible evidence of the exact population of an area, the court will look to that rather than to some sort of an artificial counter interpolation. I would submit, if I may, Mr. President, the telegram which we have received from the bureau of census, which was signed by George Brown, the director of the census, in which he says, 'In regard to the plan that is before us or its antecedent plan, the first draft, it is our considered opinion that the stated legislative policy objections to census boundaries are not valid. In view of these circumstances the bureau of the census will not be able to verify the population of any district if the districts do not conform to census enumeration district boundaries, they split individual blocks.' I think this pretty well joins the issue."

Senator McDougall: "Another question. Under this premise then, could you relate to the Senate what the Republicans have used in their determinations as opposed to what Senator Greive has used?"

Senator Elicker: "The Republican bill, Engrossed House Bill No. 747, as it originally came over from the House is couched exactly in census language, enumeration districts and census tracts. Senator Greive makes some objections because this does not always lead to straight lines. Of course it does not. There are little wiggly lines that the tracts and blocks go up but we have achieved within the best perimeters that we have at this point a precise mathematical equality. When the verified block group data becomes available which will presumably be in August or September, then we can straighten out those lines, Senator Greive, and make that pretty colored map that you seem to think is so important."

Senators Talley, Atwood and Huntley demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 747, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 747, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Walgren, Washington, Wilson—28.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Talley, Twigg, Whetzel, Woodall—20.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 747, 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 Greive, Engrossed House Bill No. 747, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Gissberg, Rule 72 was suspended for the remainder of the session.

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

#### SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the House message on

Engrossed Substitute Senate Bill No. 441 and the point of order as presented by Senator Francis.

There being no objection, Senator Francis withdrew his point of order on the scope and object of the House amendments to Engrossed Substitute Senate Bill No. 441.

The motion made previously by Senator Gissberg to concur in the House amendments to Engrossed Substitute Senate Bill No. 441 carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 441, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Voting nay: Senator Fleming—1.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 441, 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 9, 1971.

Mr. President: The House refuses to recede from its amendment to SENATE JOINT RESOLUTION NO. 38 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Senate Joint Resolution No. 38 and the House amendment thereto: Representatives Jones, Smythe and Thompson.

MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Bailey, the request of the House for a conference on Senate Joint Resolution No. 38 and the House amendment thereto was granted.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Joint Resolution No. 38 and the House amendment thereto: Senators Bailey, Whetzel and Jolly.

#### MOTION

On motion of Senator Bailey, the Conference Committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House refuses to recede from its amendment to ENGROSSED SENATE JOINT RESOLUTION NO. 22 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Joint Resolution No. 22 and the House amendment thereto: Representatives Bluechel, Bottiger and Hoggins.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Bailey, the request of the House for a conference on Engrossed Senate Joint Resolution No. 22 and the House amendment thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Joint Resolution No. 22 and the House amendment thereto: Senators Gardner, Whetzel and Mardesich.

## MOTION

On motion of Senator Bailey, the Conference Committee appointments were confirmed.

## MESSAGES FROM THE HOUSE

May 9, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 291 and has granted said committee the powers of Free Conference.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House insists on its previous position and refuses to concur in the Senate amendments to HOUSE BILL NO. 684 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on House Bill No. 684: Representatives Barden, Backstrom and Shera.

DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Bailey, the request of the House for a conference on House Bill No. 684 and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 684 and the Senate amendments thereto: Senators Day, Metcalf and Cooney.

## MOTION

On motion of Senator Mardesich, the Conference Committee appointments were confirmed.

## REPORT OF CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, providing for the taxation of mobile homes, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Foley, Whetzel and Bailey; Representatives Haussler, Newhouse and Wolf.

## MOTION

On motion of Senator Bailey, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

### CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Bailey, the appointment of DONALD K. MORFORD as a member of the 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 yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Excused: Senator Stender-1.

On motion of Senator Bailey, the appointment of L. EVERT LANDON as a member of the State Board for Community College Education was confirmed.

#### APPOINTMENT OF L. EVERT LANDON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Excused: Senator Stender-1.

On motion of Senator Bailey, the appointment of ANDREW YOUNG as a member of the State Board for Community College Education was confirmed.

#### APPOINTMENT OF ANDREW YOUNG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-48.

Excused: Senator Stender-1.

On motion of Senator Bailey, the appointment of THOMAS GARRETT as a member of the State Parks and Recreation Commission was confirmed.

#### APPOINTMENT OF THOMAS GARRETT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of WALT WOODWARD as a member of the Pollution Control Hearing Board was confirmed.

#### APPOINTMENT OF WALT WOODWARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Gréive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of JAMES T. SHEEHY as a member of the Pollution Control Hearing Board was confirmed.

#### APPOINTMENT OF JAMES T. SHEEHY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of WAYNE SMYTH as a member of the Canal Commission was confirmed.

#### APPOINTMENT OF WAYNE SMYTH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of ERNEST L. PERRY as a member of the Canal Commission was confirmed.

#### APPOINTMENT OF ERNEST L. PERRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive,



Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of DR. R. L. FLENNAUGH as a member of the Board of Regents of the University of Washington was confirmed.

#### APPOINTMENT OF DR. R. L. FLENNAUGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of JACK G. NEUPERT as a member of the Board of Regents of the University of Washington was confirmed.

#### APPOINTMENT OF JACK G. NEUPERT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of PHILIP CARON as a member of the Board of Trustees of Central Washington State College was confirmed.

#### APPOINTMENT OF PHILIP CARON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of MORRIS G. SHORE as a member of the Board of Trustees of Eastern Washington State College was confirmed.

#### APPOINTMENT OF MORRIS G. SHORE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of PATRICK C. COMFORT as a member of the Board of Trustees of Western Washington State College was confirmed.

#### APPOINTMENT OF PATRICK C. COMFORT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of THEODORE MUNCASTER as a member of the Board of Trustees, Community College District No. 5, was confirmed.

#### APPOINTMENT OF THEODORE MUNCASTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of JOHN B. TROUP as a member of the Higher Education Personnel Board was confirmed.

#### APPOINTMENT OF JOHN B. TROUP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of AL E. SAUNDERS as a member of the Board of Trustees of The Evergreen State College was confirmed.

## APPOINTMENT OF AL E. SAUNDERS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of JAMES R. STANFORD as a member of the Board of Tax Appeals was confirmed.

## APPOINTMENT OF JAMES R. STANFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of J. JOY WILLIAMS as a member of the Board of Tax Appeals was confirmed.

## APPOINTMENT OF J. JOY WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

On motion of Senator Bailey, the appointment of ROSS PETERSON as a member of the Board of Prison Terms and Paroles was confirmed.

## APPOINTMENT OF ROSS PETERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

## SECOND READING

ENGROSSED HOUSE BILL NO. 892, by Representative Berentson:  
Pertaining to transportation and the welfare of the state and its citizens.

## REPORT OF STANDING COMMITTEE

May 8, 1971.

ENGROSSED HOUSE BILL NO. 892, pertaining to transportation and the welfare of the state and its citizens (reported by Committee on Transportation):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, section 6, line 33, after "the report" and before "made" strike "shall upon request be" and insert "shall, upon request, be"

On page 7, section 7, after line 22, add new subsections to read as follows:

"(29) A study in cooperation with industry representatives for the purpose of establishing an experimental program leading to the development of luminaires with greater life and improved durability.

(30) A study of the feasibility of reimbursing those people whose property is not taken by eminent domain, but which is adversely affected in a non-economic manner by the development, construction, and use of freeways and other public highways."

On page 11, section 12, after line 27, add new subsections as follows:

"(10) Traffic engineering studies to determine the need for construction of an interchange at the junction of I-90 and 161st Avenue S.E. in the city of Bellevue.

(11) A study of the feasibility of including S.E. and N.E. 148th Street, situated partly in the city of Bellevue and partly within rural King County, within the state highway system."

On page 14, beginning on line 24, strike all of sections 19 and 20.

Remember the remaining sections consecutively.

Signed by: Senators Washington, Chairman; Henry, Vice Chairman; Connor, Donohue, Elicker, Foley, Herr, Huntley, Keefe, Matson, Peterson (Lowell), Stender, Talley, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Washington, the following amendment was adopted:

On page 14, beginning on line 24, add a new section 19 to read as follows:

"NEW SECTION. Sec. 19. The legislative transportation committee may cooperate and participate with the state land commission in the development of a data bank or alternative system for the assembling of information to carry out the provisions of this 1971 amendatory act."

Remember the remaining sections consecutively.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 892, 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. 892, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 892, 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.

ENGROSSED HOUSE BILL NO. 501, by Representatives Kuehnle, Chatalas, Merrill, Juelling, Jones, Ceccarelli and Litchman:

Amending regulation of real estate brokers and salesmen.

## REPORT OF STANDING COMMITTEE

May 6, 1971.

ENGROSSED HOUSE BILL NO. 501, amending regulation of real estate brokers and salesmen (reported by Committee on Commerce and Regulatory Agencies):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, section 1, line 27 of the printed and engrossed bill, after "engaged" and before the semicolon insert "*: PROVIDED, HOWEVER, That an attorney while admitted and entitled to practice law in this state shall be qualified, without examination, for license as a real estate broker upon application and payment of the requisite license fee*"

On page 6, section 8, line 24 of the printed and engrossed bill, after "birthday" insert a period and strike the remainder of the sentence

On page 7, section 9, line 22 of the printed bill, being page 7, section 9, line 23 of the engrossed bill, strike all of subsection (3) and renumber the remaining subsection accordingly

Amend the amendment by Representatives Kuehnle, Ceccarelli and Chatalas on page 7, section 9, line 25, being page 7, section 9, line 26 of the engrossed bill, after "through" and before "*of this section*" strike "(4)" and insert "(3)"

Signed by: Senators Mardesich, Chairman; Andersen, Clarke, Cooney, Day, Foley, Gardner, Huntley, Keefe, McDougall, Newschwander, Stortini, Twigg, Walgren.

The bill was read the second time by sections.

Senator Talley moved that the committee amendments to page 2, section 1 not be adopted.

Debate ensued.

There being no objection, Senator Talley withdrew his motion.

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

Senator Guess moved adoption of the following amendment:

On page 8, section 10, line 7 of the engrossed bill being line 6 of the printed bill, after "chapter" insert the following:

*" : PROVIDED, That nothing herein shall authorize the director to withhold a broker's license from an otherwise qualified person who operates his business out of his home"*

## POINT OF INQUIRY

Senator Huntley: "Mr. President, would Senator Guess yield? Senator, as I recall I voted for your amendment before and I think you just told us that the House would not buy it."

Senator Guess: "That is right."

Senator Huntley: "Now I am asking you at this late a date, are you willing to sacrifice the entire bill to try to put this amendment on again when you know that the House will not buy it?"

Senator Guess: "Senator Huntley, I think you can accomplish wonders in conference committee sometimes. They get the idea that if we lie down and play dead on this one, then they will run roughshod. Now I do not believe that the bill will die. I think it will go to conference and I think we can work something out."

Further debate ensued.

## MOTIONS

On motion of Senator Bailey, Engrossed House Bill No. 501 and the pending amendment by Senator Guess was ordered held on the second reading calendar for Monday, May 10, 1971.

Senator Bailey moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, passed the Senate. The motion for reconsideration made by Senator Bailey previously carried on a roll call vote.

Debate ensued.

## PARLIAMENTARY INQUIRY

Senator Fleming: "Is this bill on final passage?"

## REPLY BY THE PRESIDENT

The President: "Yes, it is, Senator."

## PARLIAMENTARY INQUIRY

Senator Fleming: "We have not reconsidered it? I just want to alert the President that when it gets on final passage I would like to speak on it."

## REPLY BY THE PRESIDENT

The President: "It is on final passage, Senator."

Debate ensued.

## POINT OF INQUIRY

Senator Fleming: "Would Senator Atwood yield? Senator, when you say, 'or as necessary to meet the cost of caseloads which exceed current estimates,' can we assume that you are indicating that that money, if the federal government will not accept this, can be used for other categories such as the blind people and the disabled people and other people who have been out of unemployment compensation and are receiving assistance?"

Senator Atwood: "Senator, this proviso was drawn after we saw the department's letter to us about the possible conflict with the federal regulations. It means exactly what it says. If the caseload projection increases, it can be used to meet the increased caseload which undoubtedly is going to occur. This is a contingency fund."

Senator Fleming: "Okay, but this would mean every recipient on. . . ."

Senator Atwood: "Every category if it increases. OAA is not going to increase. The only ones that probably will increase are ADCR and ADCE and GA."

Senator Fleming: "Okay. I just want that portion in the record in case we come up short of funds."

Further debate ensued.

Senators Peterson (Lowell), Bailey and Donohue demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the final passage, on reconsideration, of Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee.

## ROLL CALL

The Secretary called the roll and Engrossed Substitute House Bill No. 151, as amended by the Free Conference Committee, on reconsideration, passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Durkan, Elicker, Foley, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Talley, Twigg, Walgren, Wilson—32.

Voting nay: Senators Cooney, Fleming, Francis, Guess, Holman, Huntley, McDougall, Mardesich, Matson, Metcalf, Newschwander, Ridder, Stortini, Washington, Whetzel, Woodall—16.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 151, 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.

## THIRD READING

ENGROSSED HOUSE BILL NO. 463, by Representatives Brown, Kilbury and Kiskaddon (by executive and Secretary of State request):

Providing for annual general elections and prorating costs thereof between state and governmental subdivisions.

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 House Bill No. 463, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington—27.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Donohue, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Wilson, Woodall—21.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 463, 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 Greive, Engrossed House Bill No. 463 was ordered immediately transmitted to the House.

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

## SECOND READING

ENGROSSED HOUSE BILL NO. 659, by Representatives Mentor, Barden, Cunningham, Costanti, O'Brien, Conner, Berentson, Randall and Adams (by executive request):

Authorizing an evaluation of cross sound transportation and the preparation of a development plan therefor.

The bill was read the second time by sections.

On motion of Senator Elicker, the rules were suspended, Engrossed House Bill No. 659 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. 659, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senators Donohue, Mardesich, Twigg, Walgren—4.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 659, having received the constitutional 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 Greive, the rules were suspended and Senator Dore was excused.

HOUSE BILL NO. 429, by Representatives Bluechel, Perry and Conway (by departmental request):

Providing for the financing of services, facilities, equipment, material, goods and supplies for government and certain other entities.

The bill was read the second time by sections.

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

On page 2, section 1, line 19, after "interest" and before the period insert "*PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section*"

On motion of Senator Atwood, the rules were suspended, House Bill No. 429, 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. 429, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—47.

Excused: Senators Dore, Stender—2.

HOUSE BILL NO. 429, 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.

HOUSE BILL NO. 451, by Representatives Pardini, Bottiger, Kopet, Curtis, Litchman and Lynch (by departmental request):

Authorizing the department of social and health services to provide child support services.

#### MOTION

On motion of Senator Greive, the rules were suspended and Senator McCutcheon was excused.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, House Bill No. 451 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. 451, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Excused: Senators Dore, McCutcheon, Stender—3.

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.



HOUSE BILL NO. 676, by Representatives Benitz, Kilbury and Van Dyk:

Licensing of commercial feed lots and identification of cattle therein.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 676 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. 676, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Excused: Senators Dore, McCutcheon, Stender—3.

HOUSE BILL NO. 676, having received the constitutional 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, Substitute House Bill No. 595 was ordered placed at the beginning of the second reading calendar for Monday, May 10, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, by Committee on Social and Health Services:

Authorizing advisory committees for the department of social and health services.

#### REPORT OF STANDING COMMITTEE

May 4, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, authorizing advisory committees for the department of social and health services (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 2, line 17, before the numeral (9) strike "and" and after "services" strike the period and insert "; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services; and on such other subject matters as are or come within the department's responsibilities."

Beginning on page 10, strike all of sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

Renumber the remaining sections accordingly.

Beginning on page 18, section 28, line 27, strike all of subsections (17), (18), (19), and (20).

Renumber the remaining subsections accordingly.

On page 1, beginning on line 15 of the title, after "RCW 70.98.050;" strike all of the material down to and including "RCW 72.60.260;" on page 2, line 1.

On page 2, beginning on line 25 of the title, after "RCW 72.05.190;" strike all of the material down to and including "RCW 72.60.060;" on line 30.

Signed by: Senators Day, Chairman; Cooney, Elicker, Francis, Holman, Keefe, Odegaard.

The bill was read the second time by sections.

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

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 417, 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.

## MOTION

On motion of Senator Greive, the Senate dispensed with the Call of the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 417, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator Washington—1.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, 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.

ENGROSSED HOUSE BILL NO. 311, by Representatives Gallagher, Kiskaddon, Brouillet, Haussler and Ross (by departmental request):

Modifying the suspended sentence procedure.

## REPORT OF STANDING COMMITTEE

March 25, 1971.

ENGROSSED HOUSE BILL NO. 311, modifying the suspended sentence procedure (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike the House Committee Amendment by the Committee on Judiciary on page 1, section 1, line 11, and on page 1, beginning on line 9 of the printed bill, being line 5 of the engrossed bill, strike all of lines 9 and 10 of the printed bill, being lines 5 and 6 of the engrossed bill and insert the following:

“NEW SECTION. Section 1. In all cases prior to the effective date of this act wherein the execution of sentence has been suspended pursuant to RCW 9.92.060, such person may apply to the court by which he was convicted and sentenced to establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 2. In the case of a person granted a suspended sentence under the provisions of RCW 9.92.060, the court shall establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 3. Upon termination of any suspended sentence under RCW 9.92.060 or RCW 9.95.210, such person may apply to the court for restoration of his civil rights. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.”

Beginning on line 2 of the printed and engrossed bill strike “amending section 7, chapter 227, Laws of 1947 and RCW 9.95.240;”

Signed by: Senators Gissberg, Chairman; Dore, Vice Chairman; Atwood, Durkan, Foley, Greive, Holman, Twigg, Walgren, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 311, 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. 311, as

amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Matson, Washington—2.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED HOUSE BILL NO. 311, 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.

HOUSE BILL NO. 88, by Representatives Wolf, Charette and Bledsoe (by Legislative Council request):

Providing that port districts of less than county size cannot be formed.

#### REPORT OF STANDING COMMITTEE

March 27, 1971.

HOUSE BILL NO. 88, providing that port districts of less than county size cannot be formed (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, immediately following section 1, add a new section to read as follows:

"NEW SECTION. Sec. 2. If an area, not currently part of an existing port district desires to be annexed to a port district in the same county, upon receipt of a petition bearing the names of ten percent of the qualified electors residing within the proposed boundaries of the area desiring to be annexed, the commissioners of such port district shall petition the board of county commissioners to annex such territory, as provided in RCW 53.04.080."

Renumber the old section 2 to read "Sec. 3."

On page 3, section 2, line 10, after RCW 53.04.050 insert a period and strike the remainder of section.

On page 3, immediately following renumbered section 3, being the old section 2, add a new section to read as follows:

"NEW SECTION. Sec. 4. The effective date of this act shall be May 1, 1972."

In line 4, of the title, after "RCW 53.04.050;" strike the remainder of the title and insert "and providing an effective date"

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Canfield, Clarke, Fleming, Herr, McDougall, Peterson (Ted), Ridder, Talley, Whetzel, Wilson.

The bill was read the second time by sections.

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

On motion of Senator Talley, the rules were suspended, House Bill No. 88, 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 Bailey: "Mr. President, will Senator Talley yield? Senator, is this bill agreed upon by the port association, Lewis Holcomb?"

Senator Talley: "Yes, sir."

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 88, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich,

Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—44.

Voting nay: Senators Metcalf, Wilson—2.

Excused: Senators Dore, McCutcheon, Stender—3.

HOUSE BILL NO. 88, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 113, by Representatives Thompson, Zimmerman and Spanton (by departmental request):

Prescribing powers of game protectors.

The bill was read the second time by sections.

On motion of Senator Peterson (Lowell), the rules were suspended, Engrossed House Bill No. 113 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. 113, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator Connor—1.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED HOUSE BILL NO. 113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 992, by Representatives Wojahn, Berentson and Thompson:  
Implementing law relating to the prevention of air pollution.

#### REPORT OF STANDING COMMITTEE

April 22, 1971.

HOUSE BILL NO. 992, implementing law relating to the prevention of air pollution (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clauses and substitute the following:

*NEW SECTION.* Section 1. The legislature finds that whenever meteorological conditions occur which reduce the effective volume of air into which air contaminants are introduced, there is a high danger that normal operations at air contaminant sources in the area affected will be detrimental to public health or safety. Whenever such conditions, herein denominated as air pollution episodes, are forecast, there is a need for rapid short-term emission reduction in order to avoid adverse health or safety consequences.

Therefore, it is declared to be the policy of this state that an episode avoidance plan should be developed and implemented for the temporary reduction of emissions during air pollution episodes.

It is further declared that power should be vested in the governor to issue emergency orders for the reduction or discontinuance of emissions when such emissions and weather combine to create conditions imminently dangerous to public health and safety.

*NEW SECTION.* Sec. 2. The department of ecology is hereby authorized to develop an episode avoidance plan providing for the phased reduction of emissions wherever and whenever an air pollution episode is forecast. Such an episode avoidance plan shall conform with any applicable federal standards and shall be effective state-wide. The episode avoidance plan may be implemented on an area basis in accordance with the occurrence of air pollution episodes in any given area.

The department of ecology may delegate authority to adopt source emission reduction plans and authority to implement all stages of occurrence up to and including the warning stage, and all intermediate stages up to the warning stage, in any area of the state, to the air pollution control authority with jurisdiction therein.

The episode avoidance plan, which shall be established by regulation in accordance with chapter 34.04 RCW, shall include, but not be limited to the following:

(1) The designation of episode criteria and stages, the occurrence of which will require the carrying out of preplanned episode avoidance procedures. The stages of occurrence shall be (a) forecast, (b) alert, (c) warning, (d) emergency, and such intermediate stages as the department shall designate. "Forecast" means the presence of meteorological conditions that are conducive to accumulation of air contaminants and is the first stage of an episode. "Alert" means concentration of air contaminants at levels at which short-term health effects may occur, and is the second stage of an episode. "Warning" means concentrations are continuing to degrade, contaminant concentrations have reached a level which, if maintained, can result in damage to health, and additional control actions are needed and is the third level of an episode. "Emergency" means the air quality is posing an imminent and substantial endangerment to public health and is the fourth level of an episode;

(2) The requirement that persons responsible for the operation of air contaminant sources prepare and obtain approval from the director of source emission reduction plans, consistent with good operating practice and safe operating procedures, for reducing emissions during designated episode stages;

(3) Provision for the director of the department of ecology or his authorized representative, or the air pollution control officer if implementation has been delegated, on the satisfaction of applicable criteria, to declare and terminate the forecast, alert, warning and all intermediate stages, up to the warning episode stage, such declarations constituting orders for action in accordance with applicable source emission reduction plans;

(4) Provision for the governor to declare and terminate the emergency stage and all intermediate stages above the warning episode stage, such declarations constituting orders in accordance with applicable source emission reduction plans;

(5) Provisions for enforcement by state and local police, personnel of the departments of ecology and social and health services, and personnel of local air pollution control agencies; and

(6) Provisions for reduction or discontinuance of emissions immediately, consistent with good operating practice and safe operating procedures, under an air pollution emergency as provided in section 3 of this 1971 act.

Source emission reduction plans shall be considered orders of the department and shall be subject to appeal to the pollution control hearings board according to the procedure in chapter 43.21B RCW.

**NEW SECTION.** Sec. 3. Whenever the governor finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to public health or safety, he may declare an air pollution emergency and may order the person or persons responsible for the operation of such air contaminant source or sources to reduce or discontinue emissions consistent with good operating practice, safe operating procedures and source emission reduction plans, if any, adopted by the department of ecology or any local air pollution control authority to which the department of ecology has delegated authority to adopt emission reduction plans. Orders authorized by this section shall be in writing and may be issued without prior notice or hearing. In the absence of the governor, any findings, declarations and orders authorized by this section may be made and issued by his authorized representative.

**NEW SECTION.** Sec. 4. Whenever any order has been issued pursuant to this act, the attorney general, upon request from the governor, the director of the department of ecology, an authorized representative of either, or the attorney for a local air pollution control authority upon request of the control officer, shall petition the superior court of the county in which is located the air contaminant source for which such order was issued for a temporary restraining order requiring the immediate reduction or discontinuance of emissions from such source.

Upon request of the party to whom a temporary restraining order is directed, the court shall schedule a hearing thereon at its earliest convenience, at which time the court may withdraw the restraining order or grant such temporary injunction as is reasonably necessary to prevent injury to the public health or safety.

**NEW SECTION.** Sec. 5. Orders issued to declare any stage of an air pollution episode avoidance plan under section 2 of this 1971 act, and to declare an air pollution emergency, under section 3 of this 1971 act, and orders to persons responsible for the operation of an air contaminant source to reduce or discontinue emissions, according to sections 2 and 3 of this 1971 act shall be effective immediately and shall not be stayed pending completion of review.

**NEW SECTION.** Sec. 6. Sections 1 through 5 of this 1971 act are added to chapter 232, Laws of 1957 and to chapter 70.94 RCW.

**NEW SECTION.** Sec. 7. Section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415 are each repealed."

Strike all the title and substitute the following:

"An Act relating to air pollution; authorizing the issuance of orders; authorizing episode avoidance plans; adding new sections to chapter 232, Laws of 1957 and to chapter

70.94 RCW; and repealing section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415.”

Signed by: Senators Day, Chairman; Cooney, Elicker, Greive, Holman, McCutcheon, Newschwander, Odegaard, Woodall.

The bill was read the second time by sections.

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

On motion of Senator Day, the rules were suspended, House Bill No. 992, 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. 992, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Foley, Guess, Henry—3.

Excused: Senators Dore, McCutcheon, Stender—3.

HOUSE BILL NO. 992, 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.

ENGROSSED HOUSE BILL NO. 863, by Representatives Jones, Costanti and Gilleland:

Defining school day for common school purposes.

#### REPORT OF STANDING COMMITTEE

May 4, 1971.

ENGROSSED HOUSE BILL NO. 863, defining school day for common school purposes (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 2, line 5 of the engrossed bill after “Day;” strike “*the fourth Friday in November*” and insert “*the Friday immediately following Thanksgiving Day*”

Signed by: Senators Francis, Chairman; Fleming, Gardner, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

Senator Wilson moved adoption of the following amendment by Senators Wilson and Ridder:

On page 2, section 2, following line 26 of the engrossed bill, add the following new sections:

“Sec. 3. Section 28A.01.025, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.025 are each amended to read as follows:

The school year for all matters pertaining to teacher certification or for computing experience in teaching shall consist of not fewer than one hundred eighty school days, except during the 1971-73 biennium in those school districts which maintain a school year of fewer days pursuant to section 3 of this 1971 amendatory act.

Sec. 4. Section 28A.58.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.180 are each amended to read as follows:

All school districts in this state shall maintain school at least one hundred eighty days each school year as defined in RCW 28A.01.020, except that during the 1971-73 biennium should a school lose a maintenance and operation levy twice consecutively, the school year may be reduced to not less than 160 days provided the district’s plan has been approved by the superintendent of public instruction. The salaries of certificated and non-certificated personnel shall be ratably reduced on a ratio equal to the reduction in the number of days. State funds shall be apportioned as if the school operated on a regular basis except that the

*superintendent may revise the monthly distribution percentage to coincide with the district's expenditure pattern. This section shall not be deemed a limitation on the duty of the superintendent of public instruction to distribute moneys appropriated by the legislature for apportionment under RCW 28A.41.130 nor shall it be deemed a limitation on the duty of the board of county commissioners of each county to distribute the proceeds of the excise tax on real estate sales pursuant to RCW 28A.44.040 and 28A.45.040.*

NEW SECTION. Sec. 5. Section 3 and 4 of this 1971 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

#### POINT OF ORDER

Senator Atwood: "This particular amendment enlarges the scope and object of the bill and deals with the school year, not the school day, and is far beyond the scope or the original intention of this bill. This is the second section, with some variations, of a bill we had out here before and I think it also has some legal problems in it on ratably reducing a teacher's contract, especially for the year of 1972-73, where the contracts in many school districts probably have been renewed even though they have lost a levy twice and I think it is beyond the scope and object of the bill."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point as presented by Senator R. Frank Atwood finds that the Senator's remarks are essentially correct and that the amendment does change the scope and object of the measure."

The amendment by Senators Wilson and Ridder was ruled out of order.

Senator Fleming moved adoption of the following amendment:

On page 2, section 2, beginning on line 5, strike all of the underlined material and insert "*the third Monday in January, being the anniversary of the birth of Martin Luther King, Jr.,*"

#### POINT OF ORDER

Senator Atwood: "I raise the same point here. This is transferring a different day entirely to a single person. I appreciate Senator Fleming's concern but I think it does change the scope and object of the particular bill to a different date, taking out a whole series of names and an entirely different holiday."

#### RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order as presented by Senator Atwood finds that Engrossed House Bill No. 863 is a measure which in part sets forth which days shall be school holidays and sets forth specifically a certain day to honor famous Americans. The amendment proposed by Senator Fleming also pertains to a school holiday in honor of a famous American, Martin Luther King, Jr., who is also mentioned in Engrossed House Bill No. 863. The amendment therefore does not change the scope and object of the bill and the point of order is not well taken."

The President declared the question before the Senate to be the adoption of the amendment by Senator Fleming.

Senator Woodall demanded a roll call and the demand was sustained by Senators Metcalf, Greive, Cooney, Lewis, Guess, Peterson (Ted), Canfield, Murray and Newschwander.

#### MOTION

On motion of Senator Greive, Engrossed House Bill No. 863, as amended, and the pending amendment by Senator Fleming was ordered to hold its place on the second reading calendar for Monday, May 10, 1971.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 743, by Representatives Bottiger and Wolf:

Exempting executive assistants for personnel administration and labor relations from the provisions of the state civil service law.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 743 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. 743, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Absent or not voting: Senators Connor, Gissberg—2.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED HOUSE BILL NO. 743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 686, by Representatives Eikenberry, Knowles and Hubbard:

Changing the judgment creditors remedies in seeking to enforce a judgment on the judgment debtor.

The bill was read the second time by sections.

On motion of Senator Gissberg, the rules were suspended, House Bill No. 686 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. 686, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senator Connor—1.

Excused: Senators Dore, McCutcheon, Stender—3.

HOUSE BILL NO. 686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 672, by Representatives Wanamaker and Beck:

Providing for eye protection while riding motorcycles or motor-driven cycles.

The bill was read the second time by sections.

On motion of Senator Atwood, the rules were suspended, House Bill No. 672 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.



## POINT OF INQUIRY

Senator Ridder: "I would like to ask a question of someone, if anybody knows anything about it. It has to do with a commission on equipment and I notice here that 'commission' is in here but 'state' and 'on equipment' has been added and I wonder if there is a state commission on equipment?"

Senator Lewis: "Mr. President, there is presently a commission on equipment, and it is my understanding that this bill is required on federal standards and it is the reason for its late entry and rapid passage. Maybe Senator Guess can add to that."

Senator Guess: "Very recently, Senator Ridder, the federal government has reviewed the safety standards in the state of Washington and this is one of two deficiencies in the state law. The other is the vehicular inspection. The reason that there was a bill before us to spot check twenty-four hours a day was because of the report written by the department of transportation."

## POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator Guess yield? Senator, does the federal government also require the wearing of a helmet when you are operating a motorcycle?"

Senator Guess: "Yes, sir."

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 672, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Washington, Whetzel, Woodall—39.

Voting nay: Senators Francis, Metcalf, Odegaard, Walgren, Wilson—5.

Absent or not voting: Senators Elicker, Twigg—2.

Excused: Senators Dore, McCutcheon, Stender—3.

HOUSE BILL NO. 672, having received the 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 HOUSE BILL NO. 225, by Representatives Bluechel, McCormick and Conway (by Secretary of State request):

Deleting the requirement that notice to a corporation failing to pay the annual license fee shall be by certified mail.

The bill was read the second time by sections.

Senator Scott moved adoption of the following amendment:

Insert as sections 2-7 the following:

"Sec. 2. Section 9-407, chapter 157, Laws of 1965 ex. sess. as amended by section 10, chapter 114, Laws of 1967 and RCW 62A.9-407 are each amended to read as follows:

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be [two] *three* dollars. Upon request the filing officer shall furnish a copy of any filed financing statements or statements of assignment for a uniform fee of [four] *five* dollars for each particular debtor's statements requested.

Sec. 3. Section 81, chapter 235, Laws of 1967 and RCW 24.03.400 are each amended to read as follows:

Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeeding the

calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the first day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. [If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state in sufficient time to be filed prior to the first day of April of the year in which it is due] *Upon receipt of the report, the secretary of state shall cause it to be filed in his office.*

Sec. 4. Section 82, chapter 235, Laws of 1967 as amended by section 5, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.405 are each amended to read as follows:

The secretary of state shall charge and collect for:

- (1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.
- (2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.
- (4) Filing a statement of change of address of registered office or change of registered agent, or both, [one] two dollars.
- (5) Filing articles of dissolution, five dollars.
- (6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.
- (7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.
- (8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.
- (9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.
- (10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.
- (11) Filing a certificate by a foreign corporation of the appointment of a registered agent, [one] two dollars.
- (12) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent, [one] two dollars.
- (13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, [one] two dollars.

Sec. 5. Section 83, chapter 235, Laws of 1967 as amended by section 6, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.410 are each amended to read as follows:

The secretary of state shall charge and collect:

- (1) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, [fifty cents per page and two] five dollars for the certificate and affixing the seal thereto.
- (2) At the time of any service of process on him as registered agent of a corporation, [two] five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 6. Section 90, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.450 are each amended to read as follows:

The secretary of state shall charge and collect for:

- (1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.
- (2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.
- (4) Filing a statement of change of address of registered office or change of registered agent, or both, [one] two dollars.
- (5) Filing articles of dissolution, five dollars.
- (6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.
- (7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.
- (8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.
- (9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.
- (10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.
- (11) Filing a certificate by a foreign corporation of the appointment of a [resident] registered agent, [ten] two dollars.
- (12) Filing a certificate by a foreign corporation of the revocation of the appointment of a [resident] registered agent, [ten] two dollars.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, [one] *two* dollars.

Sec. 7. Section 91, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.455 are each amended to read as follows:

The secretary of state shall charge and collect:

(1) [Fifty cents per page and two] *Five* dollars for the certificate and affixing the seal thereto for furnishing a certified copy of any document, instrument, or paper relating to a corporation.

(2) *One dollar for furnishing information relating to a corporation which is derived from documents, instruments, or papers filed with the office of the secretary of state.*

(3) [Two] *Five* dollars at the time of any service or process on him as resident agent of any corporation, which may be recovered as taxable costs by the party to the suit or action if such party prevails."

#### POINT OF ORDER

Senator Gissberg: "On the amendment by Senator Scott, I raise the question on the point of order of enlarging the scope and object of the bill. This amendment relates to fees and the bill relates to filing financing statements."

#### RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator Gissberg, finds that the measure merely requires the secretary of state to send out certain notices by first class mail rather than certified mail and that the amendment proposed by Senator Scott changes the fees on the filing of various documents in the secretary of state's office and various services rendered by the secretary of state. Therefore the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Scott was ruled out of order.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 225 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 Walgren yield? What is the need for this legislation?"

Senator Walgren: "It makes it a lot easier for the secretary of state to get these notices off and saves a little money. Probably first class mail will arrive there just as accurately as will certified mail."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 225, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel-43.

Voting nay: Senator Wilson-1.

Absent or not voting: Senators Washington, Woodall-2.

Excused: Senators Dore, McCutcheon, Stender-3.

ENGROSSED HOUSE BILL NO. 225, having received the 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 HOUSE BILL NO. 309, by Committee on State Government:

Lowering the age to eighteen years from twenty-one years for certain purposes.

## REPORT OF STANDING COMMITTEE

April 16, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, lowering the age to eighteen years from twenty-one years for certain purposes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 12, section 10, line 17 of the printed bill, being page 11, section 10, lines 31 and 32 of the engrossed bill, after "person" strike all material down to the period on line 18 and insert "of more than sixteen years of age"

Beginning on page 13 of both the printed and engrossed bill strike all of sections 11, 12, 13, 14, 15, 16 and 17.

Renumber the remaining sections consecutively.

On page 49, section 44, subsection (4), line 19 of the printed bill, being page 48, section 44, subsection (4), beginning on line 33 of the engrossed bill, after "intoxicating liquor," insert "or to any person under the age of eighteen years any"

On page 58, section 59, line 23 of the printed bill, being page 58, line 3 of the engrossed bill, after "sixteen" and before "shall" strike " , seventeen and eighteen" and insert "[and eighteen] and seventeen"

On page 83 of the printed bill, being page 77 of the engrossed bill, strike all of section 97 of the printed bill, being section 84 of the engrossed bill, and renumber the remaining section.

On page 1, line 14 of the title in both the printed and engrossed bill, after "RCW 8.20.020:" strike everything down to and including "RCW 11.92.010;" on line 23.

On page 5, line 3 of the title of the printed bill, being page 4, line 18 of the title in the engrossed bill, after "RCW 78.40.293;" and before "amending" insert "amending section 83.56.050, chapter 15, Laws of 1961 as amended in section 1, chapter 67, Laws of 1965 ex. sess. and RCW 83.56.050;"

On page 5, beginning on line 16 of the title in the printed bill, being page 4, beginning on line 30 of the engrossed bill, strike "repealing section 1, chapter 250, Laws of 1969 ex. sess. and RCW 66.44.315;"

Signed by: Senators Gissberg, Chairman; Atwood, Clarke, Foley, Francis, Greive, Holman, Walgren.

The bill was read the second time by sections.

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

On motion of Senator Gissberg, the committee amendments to the title were adopted.

On motion of Senator Gissberg, the rules were suspended, Engrossed Substitute House Bill No. 309, 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 Bailey: "Will Senator Gissberg yield? Senator, is there any provision for eighteen-year-olds buying liquor in this bill?"

Senator Gissberg: "No, there are none, Senator Bailey. The only thing we did to that section was to amend it so that the eighteen-year-olds could buy cigarettes."

## POINT OF INQUIRY

Senator Canfield: "Would Senator Gissberg yield? Senator, the amendment on page 49, purports to allow the sale of liquor to eighteen-year-olds. As I read it it does allow the sale of beer to eighteen-year-olds. Is that correct?"

Senator Gissberg: "No, it is not correct, Senator Canfield."

Senator Canfield: "Is the amendment then correct?"

Senator Gissberg: "Yes. We spent a lot of hours on this in the Senate Judiciary Committee trying to unwind the thing to make very, very certain that they were not able to do so, Senator."

Senator Canfield: "As I read this amendment, it would prevent the sale of beer to seventeen-year-olds but not to eighteen-year-olds."

Senator Gissberg: "All I can say is we are at issue. But my best judgment is that the Judiciary Committee is correct in connection with it because we had this clerk and all of us, our collective judgment at the time we did it, was such that we were convinced that we had straightened out the measure as it came over from the House."

Further debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill

No. 309, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senators Guess, Metcalf, Peterson (Ted), Scott—4.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, 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.

ENGROSSED HOUSE JOINT RESOLUTION NO. 21, by Representatives Smythe, Haussler, North, Bauer, Blair, Litchman, Marsh and May (by Legislative Council request):

Proposing constitutional amendment authorizing new form of city-county government in lieu of present city and county government.

#### REPORT OF STANDING COMMITTEE

May 5, 1971.

ENGROSSED HOUSE JOINT RESOLUTION NO. 21, proposing constitutional amendment authorizing new form of city-county government in lieu of present city and county government (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 8, after "section 16." strike all of the material down to and including "city-county." on line 15 and insert "[The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants.] Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county."

On page 1, beginning on line 25, after "county" strike "PROVIDED [FURTHER], That every such" and insert [PROVIDED FURTHER, That every such]. The"

On page 2, beginning on line 12, after the period following "counties" strike the remainder of the paragraph

On page 3, line 31, after "to" and before "without" strike "any amount" and insert "an amount exceeding one and one-half percentum of the taxable property in such municipal corporation"

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Clarke, Dore, Elicker, Fleming, Mardesich, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

The resolution was read the second time in full.

Senator Whetzel moved adoption of the committee amendments.

Debate ensued.

#### POINT OF INQUIRY

Senator Mardesich: "Will Senator Whetzel yield? Senator, I thought I heard you say that the joinder of the city and county would allow the imposition of tax that would be the sum of what the county and the city now have rather than an amount equal to what each has now."

Senator Whetzel: "Let us take an example. If you live in a city you can be subjected to the bonding limits of the city and also the bonding limits of the county, the overlapping debt limit. This was what was not in the Constitution and what we are authorizing is that the combined city-county would have what would be the total of the present existing overlapping debt limitation. We have not changed those. A city can have one and one-half percent inside and five percent outside. The county can have the same, and those would be limits on, say a piece of property inside a city at the present time. When you combine the city and the county you in effect have made the county into a city and the city into a county so this amendment would give the overlapping debt limits that now exist for a city and a county on the same piece of property."

Senator Mardesich: "Is it overlapping in all cases?"

Senator Whetzel: "No—well, if you are in an unincorporated area, you probably would have some overlapping indebtedness of some of the special districts which have the same debt limits in the Constitution as a city, so that these would be retained also. In other words, I do not think this really would in any particular instance increase any of the overlapping limits because of the fact that most areas that are likely to use this are in either special districts or municipalities that already have these total overlapping debt limits. In any event, these are restricted also by the legislature and we have cut back the constitutional limits to fifty percent."

Senator Mardesich: "Do I understand then that you could have a three percent on the inside and ten on the outside?"

Senator Whetzel: "That is precisely what this would do and it is precisely without that kind of provision there would be absolutely no inducement for a city and county to get together to combine because one or the other would be cut back on their limits in much of their area. That has been the problem."

Senator Mardesich: "I am not exactly sure that they would in all cases be able to today apply the three percent inside."

Senator Whetzel: "For example, if you live in a city like Everett in Snohomish county, that is what you are subjected to now under the Constitution. You have one and one-half percent inside for Everett, one and one-half percent for Snohomish county and five percent for each of them outside. There may be portions of Everett that have special districts that have another limit on that too."

#### MOTION

On motion of Senator Mardesich, Engrossed House Joint Resolution No. 21, and the pending committee amendments, was ordered to hold its place on the second reading calendar for Monday, May 10, 1971.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, by Committee on Social and Health Services:

Providing for comprehensive health planning.

#### REPORT OF STANDING COMMITTEE

April 21, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, providing for comprehensive health planning (reported by Committee on Medicine, Dentistry and Health Care, Air and Water Pollution):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 5, line 21 of the printed and engrossed bills, after the period following "herein" insert "Included in the balance of the membership of the council shall be at least one physician, one dentist, one hospital administrator, one nursing home administrator, one osteopathic physician and one chiropractor."

On page 6, section 9, line 11 of the printed and engrossed bills, after "providers" and before "also" strike "should" and insert "shall"

On page 11, section 18, after subsection (5) insert a new subsection as follows:

"(6) Require that any hospital changing any of its rates, charges or fees supply to the secretary and the state comprehensive health planning advisory council all relevant information and supporting data as to such rates, charges and fees and the reasons for such changes. All hospitals instituting or about to institute such changes shall notify the secretary and the state comprehensive health planning advisory council and provide them such information and data."

Signed by: Senators Day, Chairman; Cooney, Holman, Keefe, McCutcheon, Odegaard, Woodall.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment to page 4, section 5, line 21.

On motion of Senator Day, the following amendment to the committee amendment to page 4, section 5, line 21 was adopted:

On the committee amendment to page 4, line 21, on line 5 of the amendment after "physician" and before "and" insert " , one optometrist, one chiroprapist, one registered nurse"

On motion of Senator Day, the committee amendment, as amended, was adopted.

On motion of Senator Day, the committee amendment to page 6, section 9, line 11 was adopted.

On motion of Senator Day, the committee amendment to page 11, section 18 was not adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 553, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Wilson: "Would Senator Day yield? Could you tell me what effect this legislation will have with respect to hospital rates?"

Senator Day: "It will allow the comprehensive health planning commission through, I believe, the department in its rule-making power, to adopt rules relative to the reporting of rate changes and the reasons therefor."

Senator Wilson: "But not to establish or regulate rates?"

Senator Day: "Not to establish or regulate, unfortunately."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 553, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Newschwander—1.

Absent or not voting: Senator Andersen—1.

Excused: Senators Dore, McCutcheon, Stender—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, 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 Greive, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

May 9, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, and the Senate amendments thereto and the Speaker has appointed as members of the conference committee thereon: Representatives Cunningham, Hurley and Wanamaker.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee

on ENGROSSED HOUSE BILL NO. 86 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 853, and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1034, and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, and the Senate amendments thereto, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Brown, Ross and Shinpoch, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 813, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has passed:  
ENGROSSED SENATE BILL NO. 17,  
ENGROSSED SENATE BILL NO. 486,  
ENGROSSED SENATE BILL NO. 691,  
SUBSTITUTE SENATE BILL NO. 770,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 9, 1971.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 777, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 9, 1971.

Mr. President: The House has passed:  
SUBSTITUTE SENATE BILL NO. 85,  
ENGROSSED SENATE BILL NO. 144,  
ENGROSSED SENATE BILL NO. 170,  
ENGROSSED SENATE BILL NO. 368,  
SENATE BILL NO. 369,  
ENGROSSED SENATE BILL NO. 659,  
ENGROSSED SENATE BILL NO. 735,

and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 9, 1971.

Mr. President: The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 109,  
SENATE BILL NO. 136,  
SENATE BILL NO. 168,  
SENATE BILL NO. 179,  
SENATE BILL NO. 183,  
SENATE BILL NO. 291,  
SENATE CONCURRENT RESOLUTION NO. 12,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

At 1:05 a.m., on motion of Senator Greive, the Senate adjourned until 10:00 a.m., Monday, May 10, 1971.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.



## SIXTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Wash., Monday, May 10, 1971.

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 Andersen, Donohue, Sandison and Stender. On motion of Senator Atwood, Senators Andersen, Donohue and Sandison were excused to attend a Conference Committee meeting. On motion of Senator McDougall, Senator Stender was excused.

The Color Guard, consisting of Pages Roger Pollard, Color Bearer, and Karen Snyder, presented the Colors. Reverend J. Alan Justad, pastor of First United Methodist Church of Olympia, offered prayer as follows:

"Our Father in Heaven, as we pray for Thy blessings upon the members of this legislature we are not unmindful of those in the gallery and the constituents at home who join us in this prayer. We give Thee thanks for the youth of America, our leaders of tomorrow who are the 'now' generation. We thank You, our Father, for the keen insight of this 'now' generation who, raised in an affluent society, have reminded us that we are to love each other and use things, not use each other and love things. We pray, our Father, that the high idealism of these young people shall be vindicated by the true purpose and actions of this vital legislative session. May there blow a fresh wind of Thy Spirit over the members of this body that may touch off a great new awakening that Thou art the God of the 'now' whose Love is the same yesterday, today and forever. We thank You that this love has permeated the committees, the caucuses, the floor sessions, and the long ponderings in the offices through the long night hours, so that the generations to come will rise up and call these blessed because they were faithful to the leadings of Thy Almighty Spirit. Now bring these Senators safely to their homes as they are reunited in joy and love with their families. Amen."

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

## REPORTS OF STANDING COMMITTEES

May 7, 1971.

SENATE CONCURRENT RESOLUTION NO. 30, creating an interim tax committee (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Dore, Foley, Guess, Herr, Holman, Huntley, Jolly, Metcalf, Peterson (Lowell), Ridder, Sandison, Twigg, Washington, Wilson, Woodall.

Passed to Committee on Rules and Joint Rules for second reading.

May 7, 1971.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, providing an act relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Durkan, Chairman; Bailey, Connor, Day, Donohue, Dore, Francis, Greive, Guess, Herr, Holman, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Walgren.

Passed to Committee on Rules and Joint Rules for second reading.

May 8, 1971.

ENGROSSED HOUSE BILL NO. 865, relating to the operation and administration of state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Atwood, Elicker, Gardner, Henry, Jolly.

Passed to Committee on Rules and Joint Rules for second reading.

May 9, 1971.

HOUSE BILL NO. 1022, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Atwood, Day, Gardner, Gissberg, Henry, Jolly.

## MOTIONS

On motion of Senator Atwood, the rules were suspended and House Bill No. 1022 was advanced to second reading.

On motion of Senator Atwood, House Bill No. 1022 was ordered placed on the second reading calendar for today.

May 10, 1971.

ENGROSSED HOUSE BILL NO. 1116, changing the department of agriculture to the department of agriculture and consumer services and changing the division of dairy and food thereof to the division of consumer services (reported by Committee on Agriculture and Horticulture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Canfield, Huntley, Knoblauch, McDougall, Matson, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 90,

HOUSE BILL NO. 115,

HOUSE BILL NO. 140,

SUBSTITUTE HOUSE BILL NO. 142,

HOUSE BILL NO. 229,

SUBSTITUTE HOUSE BILL NO. 247,

HOUSE BILL NO. 351,

HOUSE BILL NO. 364,

HOUSE BILL NO. 438,

SUBSTITUTE HOUSE BILL NO. 461,

HOUSE BILL NO. 491,

HOUSE BILL NO. 495,

HOUSE BILL NO. 620,

HOUSE BILL NO. 687,

HOUSE BILL NO. 694,

HOUSE BILL NO. 721,

SUBSTITUTE HOUSE BILL NO. 740,

SUBSTITUTE HOUSE BILL NO. 772,

HOUSE BILL NO. 773,

HOUSE BILL NO. 803,

HOUSE BILL NO. 817,

HOUSE BILL NO. 1075,

HOUSE BILL NO. 1123,

HOUSE JOINT RESOLUTION NO. 52,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 90,

HOUSE BILL NO. 115,

HOUSE BILL NO. 140,

SUBSTITUTE HOUSE BILL NO. 142,

HOUSE BILL NO. 229,

SUBSTITUTE HOUSE BILL NO. 247,

HOUSE BILL NO. 351,

HOUSE BILL NO. 364,

HOUSE BILL NO. 438,  
 SUBSTITUTE HOUSE BILL NO. 461,  
 HOUSE BILL NO. 491,  
 HOUSE BILL NO. 495,  
 HOUSE BILL NO. 620,  
 HOUSE BILL NO. 687,  
 HOUSE BILL NO. 694,  
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 SUBSTITUTE HOUSE BILL NO. 740,  
 SUBSTITUTE HOUSE BILL NO. 772,  
 HOUSE BILL NO. 773,  
 HOUSE BILL NO. 803,  
 HOUSE BILL NO. 817,  
 HOUSE BILL NO. 1075,  
 HOUSE BILL NO. 1123,  
 HOUSE JOINT RESOLUTION NO. 52.

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has passed SENATE BILL NO. 467 with the following amendments:

On page 1, line 1 of the title after "motor" insert "vehicles and motor"

On page 1, line 2 of the title after "RCW" and before the period insert "; adding new sections to Title 46 RCW"

On page 1, section 1, beginning on line 14, after "substances." insert the following: "The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential, and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed."

On page 1, line 14, following section 1, insert new sections to read as follows:

**"NEW SECTION. Sec. 2.** For the purposes of this act, the term "private motor vehicle" shall mean a four-wheeled vehicle designed principally for carrying passengers not for hire, for use on public roads and highways, and not designed for use as a dwelling or for camping.

**NEW SECTION. Sec. 3.** Every private motor vehicle manufactured on and after January 1, 1974, and subsequently sold and licensed in the state of Washington, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system and that, without compromising existing standards of passenger safety, it can be driven, both front and rear, directly into a standard Society of Automotive Engineers test barrier (SAE J 850) at a speed of five miles per hour without sustaining any damage to the automobile.

**NEW SECTION. Sec. 4.** Every private motor vehicle manufactured on and after January 1, 1976, and subsequently sold and licensed in the state of Washington, shall be sold subject to the manufacturer's warranty that it is equipped with an appropriate energy absorption system and that, without compromising existing standards of passenger safety, it can be driven, both front and rear, directly into a standard Society of Automotive Engineers test barrier (SAE J 850) at a speed of ten miles per hour without sustaining any damage to the automobile.

**NEW SECTION. Sec. 5.** The warranty provisions of this act shall not be applicable with respect to any private passenger automobile as to which the manufacturer files a written certification under oath with the department of motor vehicles, on a form to be prescribed by that department, that the particular make and model described therein complies with the applicable standards of this act.

**NEW SECTION. Sec. 6.** Sections 2 through 5 of this act shall be added to Title 46 RCW."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Senate Bill No. 467 on page 1, line 2 of the title, and on page 1, section 1, beginning on line 14 and does not concur in the amendment to page 1, line 14, following section 1, inserting new sections 2 through 6, and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 594 with the following amendments:

On page 2, section 2, lines 12 and 13 of the printed bill, being lines 15 and 16 of the engrossed bill, strike "over the age of twenty-one years" and insert "of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended."

On page 4, section 3, line 25 of the printed bill, being line 28 of the engrossed bill, after "institution," insert "In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 594.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 594, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 9; excused, 4.

Voting yea: Senators Atwood, Clarke, Connor, Cooney, Day, Durkan, Foley, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Twigg, Walgren, Whetzel, Wilson, Woodall—36.

Absent or not voting: Senators Bailey, Canfield, Dore, Elicker, Fleming, Francis, Greive, Talley, Washington—9.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SENATE BILL NO. 594, 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 9, 1971.

Mr. President: The House has passed SENATE BILL NO. 545 with the following amendments:

On page 1, section 2, line 18 before "exploitation," insert "utilization and"

On page 2, section 2, line 2, after "of" strike "Americans" and insert "Washington citizens"

On page 2, section 2, line 6, after "of" strike "federal" and insert "state"

On page 2, section 2, line 11, after "all" strike "Americans" and insert "people of Washington"

On page 2, line 29 before "Sec. 3." insert "*NEW SECTION.*"

On page 2, section 3, line 30, after "policies," strike "regualtions" and insert "regulations"

On page 2, section 3, line 32 strike "all agencies of the state" and insert "all branches of government of this state, including state agencies, municipal and public corporations, and counties"

On page 3, section 3, line 12 after "major" strike "state"

On page 3, section 3, line 26 before "official" strike "state"

On page 3, section 3, line 27 before "agency" strike "state and federal" and insert "public"

On page 4, section 3, line 7 after "with" strike "federal" and insert "state"

On page 4, section 4, line 17 after "4." strike "All agencies of the state" and insert "All branches of government of this state, including state agencies, municipal and public corporations, and counties"

On page 4, section 5, line 28 before "agency" strike "state"

On page 4, section 5, line 30 before "agency" strike "federal or state" and insert "public"

On page 4, section 5, line 32 before "agency" strike "federal or state" and insert "public"

On page 5, section 6, line 2 after "of" strike "state agencies" and insert "all branches of government of this state, including state agencies, municipal and public corporations, and counties", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Peterson (Lowell), the Senate concurred in the House amendments to Senate Bill No. 545.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 545, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 5; excused, 4.

Voting yea: Senators Atwood, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—39.

Voting nay: Senator Wilson—1.

Absent or not voting: Senators Bailey, Dore, Greive, Ridder, Scott—5.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SENATE BILL NO. 545, 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 9, 1971.

The House has passed ENGROSSED SENATE BILL NO. 52 with the following amendment:

On page 2, section 2, line 26, after "waste" and before the period insert: " PROVIDED, That no such district shall include any area within the corporate limits of any city or town without the consent of the legislative authority of the city or town", and the same is herewith transmitted MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Engrossed Senate Bill No. 52.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 52, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Canfield, Clarke, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Atwood, Bailey, Connor, Dore, Greive—5.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SENATE BILL NO. 52, 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 9, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 147 with the following amendments:

On page 1, line 1 of the title after "tidelands" and before the semicolon insert "and port districts"

On page 1, line 1 of the title after "tidelands;" now amended to read "tidelands and port districts;" and before "amending" insert "amending section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040;"

On page 1, following the enacting clause strike the remainder of the bill and insert:

"Section 1. Section 128, chapter 255, Laws of 1927 as amended by section 1, chapter 97, Laws of 1969 ex. sess., and RCW 79.01.512 are each amended to read as follows:

If the owner of any lease of harbor area upon tidal waters shall desire to construct thereon any wharf, dock or other convenience of navigation or commerce, or to extend, enlarge or improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the department of natural resources for a new lease of such harbor area for a period not exceeding thirty years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the department shall forthwith investigate the same and if it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, it shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental to be a [fixed] percentage [during the term of such lease on] of the true and fair value in money of such harbor area [.] *The percentage of value shall be determined from time to time by the department of natural resources as provided in RCW 79.01.520.* The department may propose modifications of the proposed wharf, dock or other convenience or extensions, enlargements or improvements thereon. The department shall, within ninety days from the filing of such application notify the said applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid and if the applicant shall within ninety days thereafter elect to accept a new lease of such harbor area upon the terms and under the conditions and at the rental prescribed by the department, the department shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and canceled.

Sec. 2. Section 129, chapter 255, Laws of 1927 as amended by section 2, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.516 are each amended to read as follows:

Upon the expiration of any lease of harbor area upon tidal waters hereafter expiring the owner thereof may apply for a re-lease of such harbor area for a period not exceeding thirty years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the department of natural resources shall forthwith investigate the same and if it shall determine that the character of the wharfs, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, it shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid which rate shall be a [fixed] percentage [during the term of such lease on] of the true and fair value in money of such harbor area determined from time to time by the department of natural resources as provided in RCW 79.01.520.

Sec. 3. Section 130, chapter 255, Laws of 1927 as amended by section 3, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.520 are each amended to read as follows:

Prior to the issuance of a lease, renewal lease, or re-lease of harbor area on tidal waters under the preceding sections of this chapter, and every five years thereafter during the life of all leases written after August 11, 1969, and no less frequently than every five years for all prior leases, the department of natural resources shall determine the true and fair value in money of such harbor area (exclusive of the improvements thereon *unless state owned*), which value shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. All harbor area leases will stipulate the percentage rate of said values that will be paid as the annual rent [during the period until the next reappraisal of the value of the harbor area as established herein]. *The percentage shall be equal to the average prime rate being charged by the commercial banks in Seattle, Washington on January 1st of the year in which rent is paid: PROVIDED,* That the applicant, or lessee, being dissatisfied with the valuation as fixed by the department of natural resources shall have the right [of appeal from the findings of the department to a valuation board to be composed of the county commissioners, the county treasurer and the county assessor of the county in which the harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within ten days after receipt of notice of the department of natural resources' valuation, be personally served upon each member of the board of county commissioners and upon the county treasurer, the county assessor, and the administrator of the department of natural resources; or such copy may be left at the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of said notice on the chairman of the board of county commissioners, said chairman shall fix a time and place for a meeting of said valuation board and shall notify each of the

officers of said board thereof, which said time shall be not less than five nor more than ten days from the date of giving said notice; like notice of the time and place fixed for said hearing shall also be given the applicant, or lessee, and the department of natural resources. Except as otherwise provided in chapter 79.01 RCW, such hearing will be conducted in compliance with chapter 34.04 RCW. At the time and place fixed for said meeting, the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting no question shall be made as to any irregularity of the giving of the notices required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties. The decision of the board of the question of valuation shall be final and conclusive on all parties] *to demand a hearing before the department of natural resources by notice in writing served upon the administrator of the department of natural resources within ten days after receipt of notice of the department of natural resources' valuation, which hearing shall be considered a contested case under chapter 34.04 RCW.*

Sec. 4. Section 1, chapter 170, Laws of 1913 as last amended by section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180 are each amended to read as follows:

The rents hereinafter to be paid under existing or future leases of harbor areas and also of tidelands belonging to the state of Washington, the proceeds of which are not otherwise directed to a particular account [or which are appropriated by the 1967 legislature to finance the Washington state canal commission] shall be hereafter disposed of as follows:

In the cases where the leased harbor area or tideland is situated within the territorial limits of a port district already created or to be hereafter created under the laws of the state of Washington, twenty-five percent of the rents received for such cases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and go into a special fund to be expended only for harbor or waterfront improvement purposes and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury and shall only be subject to appropriation for purchasing, improving, and managing the east capitol site; except, that in cases where the port district itself shall have [presently constructed or shall now own existing structures or improvements situate upon] *on April 28, 1967 leased the harbor areas, or tidelands, the entire rentals of such [improved] leased harbor area or tideland, less payment required herein to the resources management cost account, [shall go to] may be retained by such port district [ : PROVIDED, That whenever the port district shall hereafter construct improvements on such leased harbor areas or tideland the rental attributable to such improvements shall go to the port district] for harbor or waterfront improvement purposes. Payment to the resources management cost account from all annual rent from state leases of harbor areas shall equal twenty percent: PROVIDED, That in the case of leases of harbor areas on fresh waters as authorized in RCW 53.32.010, the disposition of rentals from such fresh water leases shall not be subject to any deduction for the resource management cost account as provided by chapter 79.64 RCW. In cases where the state owns the improvements the rental attributable to the improvements shall go to the capitol purchase and development account after deduction of the amounts prescribed by chapter 79.64 RCW.*

In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor areas or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury. In cases where any leased harbor area or tideland is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the county commissioners of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer being hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all moneys in his hands on such dates payable under the terms of this section to such port district and counties respectively.

**NEW SECTION.** Sec. 5. There is added to chapter 79.16 RCW a new section to read as follows:

At the end of any lease of harbor area on tidal waters all improvements on such leased area shall become the property of the state of Washington; except that where a port district has itself constructed or otherwise acquired improvements on the harbor area, the rental payable upon release by such port district for such improvements shall recognize the port's investment in these improvements and the port district shall be responsible for any taxes or payments in lieu thereof otherwise directed by law.

Sec. 6. Section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for sale or lease for industrial and commercial purposes. Where sewer and water utilities are constructed and operated by the port as an incident to servicing port lands, property owners in areas adjacent to such system may be permitted to connect thereto under terms, conditions and rates to be fixed and approved by the port

commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate facilities for the control or elimination of air or water pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such utilities or pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available [to such adjacent property owners] from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) expressly consents thereto. In the event that a port elects to make pollution control facilities available to others, it shall do so by lease or agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities: PROVIDED, HOWEVER, That where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

Senator Peterson (Lowell) moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 147.

#### POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Lowell Peterson would yield to a question? I have not had time to re-read all of this bill. As I understand this now, it provides the least value shall be established by the prime rate of the commercial banks doing business in the metropolitan areas. Is that correct?"

Senator Peterson (Lowell): "What section are you referring to, Senator?"

Senator Mardesich: "Section 3, page 3."

Senator Peterson (Lowell): "Senator, there was no change in that particular section of the measure."

Senator Mardesich: "Have they amended into this, then, Senate Bill No. 771 in substance? Is that what they are doing?"

Senator Peterson (Lowell): "Senator, if you are referring to section 6, it just broadens the port's authority on revenue bonds and I do not think this affects the subject matter of the original bill."

Senator Mardesich: "Mr. President, with respect to section 6, that may be true but I think this is an attempt to set the values which shall be paid with respect to not only pollution control facilities but with respect to the whole of Pier 67 question and I am not certain what it does with respect to that question is what is bothering me."

#### MOTION

On motion of Senator Mardesich, the motion by Senator Peterson (Lowell) to concur in the House amendments to Substitute Senate Bill No. 147 was made a special order of business for 2:00 p.m. today.

#### MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 739, except to a portion of the amendment to page 3, section 10, line 16 in which the House does concur in sections 11 through 21 and does not concur in sections 22 through 32 of the amendment, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.



## MOTION

Senator Murray moved that the Senate recede from its position on House Bill No. 739 to a portion of the Senate amendment to page 3, section 10, line 16, sections 22 through 32.

Debate ensued.

Senator Durkan moved that the Senate adhere to its position on the Senate amendment to page 3, section 10, line 16, sections 22 through 32.

## PARLIAMENTARY INQUIRY

Senator Durkan: "Mr. President, a motion to adhere or a motion to recede, which is the ranking?"

Senator Woodall: "A motion which tends to bring the body together takes preference over one which tends to continue the controversy. Hence a motion to recede would have priority."

Further debate ensued.

Senator Murray demanded a roll call and the demand was sustained by Senators Guess, Stortini, Keefe, Gissberg, Odegaard, McDougall, Woodall, Lewis and Canfield.

The President declared the question before the Senate to be the positive motion by Senator Murray to recede from a portion of the Senate amendment to page 3, section 10, line 16, sections 22 through 32.

## ROLL CALL

The Secretary called the roll and the motion by Senator Murray failed by the following vote: Yeas, 20; nays, 21; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Elicker, Gissberg, Guess, Holman, Huntley, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Scott, Twigg, Whetzel, Woodall—20.

Voting nay: Senators Connor, Cooney, Day, Durkan, Fleming, Foley, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, McCutcheon, Odegaard, Peterson (Lowell), Ridder, Stortini, Talley, Walgren, Washington, Wilson—21.

Absent or not voting: Senators Dore, Francis, Gardner, Peterson (Ted)—4.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

The motion by Senator Durkan carried and the Senate adheres to its position on the Senate amendments to House Bill No. 739, and again asks the House to concur with all of the amendments, including that portion of the amendment to page 3, section 10, line 16.

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 214, with the following amendment:

On page 2 of the engrossed bill strike section 3 of the Senate amendment and insert the following new sections:

"NEW SECTION. Sec. 3. There is added to chapter 70.96 RCW a new section to read as follows:

A city or county alcoholism program shall not be approved by the secretary of the department of social and health services unless such city or county has allotted no less than two percent of its share of liquor taxes and profits to the support of such program.

NEW SECTION. Sec. 4. There is added to chapter 70.96 RCW a new section to read as follows:

Any city, town or county not having a facility, plan or program for the rehabilitation of alcoholics may share in the use of a facility, plan or program maintained by another city, town or county so long as it contributes no less than two percent of its share of liquor taxes and profits to the support of the same," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Guess, the Senate concurred in the House amendment to Engrossed Senate Bill No. 214.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 214, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Bailey, Dore, Peterson (Ted)—3.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SENATE BILL NO. 214, 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 9, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 176, with the following amendments:

On page 1, line 1 of the title, after "officers" strike "; and" and insert "and boards of fire commissioners;"

On page 1, line 2 of the title, after "RCW 42.23.030" and before the period insert ";; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 67, Laws of 1969 ex. sess. and RCW 52.12.010; adding a new section to chapter 52.12 RCW; and declaring an emergency"

On page 2, section 1, line 12 before "third" strike "second."

On page 2, after section 1, insert the following new sections:

"Sec. 2. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 67, Laws of 1969 ex. sess. and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged [on] in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. [Only] A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified.

NEW SECTION. Sec. 3. There is added to chapter 52.12 RCW a new section to read as follows:

In any fire protection district maintaining a fire department consisting wholly of personnel employed on a full time, fully paid basis, there shall be five fire commissioners. The two positions created on boards of fire commissioners by this 1971 amendatory act shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general fire district election after the effective date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms, and the other appointee to serve until the second general fire district election after the effective

date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms.

*NEW SECTION.* Sec. 4. This 1971 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.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 176.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 176, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Dore, Foley, Peterson (Ted), Twigg—4.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SENATE BILL NO. 176, 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.

Senator Francis moved adoption of the following resolution:

#### SENATE RESOLUTION: 1971-EX-89

By Senators Francis, Newschwander, Ridder and Murray:

WHEREAS, The Dupont-Fort Lewis School District's tax base and other revenue sources have been subject to erratic fluctuations;

WHEREAS, This fluctuating, in the past, has resulted in serious financial difficulties and necessitated intervention by the State to provide needed funds;

WHEREAS, The population of the Dupont School District is very mobile and heavily dependent upon federal activities;

WHEREAS, This mobility of population may result in uncertainty as to enrollment and hence encumber budgetary assumptions;

WHEREAS, The Clover Park School District, contiguous to the Dupont-Fort Lewis School District, is a High School District operating an approved program;

WHEREAS, The Dupont-Fort Lewis School District is a non-high school district operating an unapproved high school;

WHEREAS, Testimony to the Senate Education Committee has expressed that the students of the Dupont-Fort Lewis School District may profit from a consolidation of the Dupont-Fort Lewis School District and the adjacent Clover Park School District;

WHEREAS, Other testimony to the Senate Education Committee has indicated that the State Board of Education should approve the high school program in the Dupont-Fort Lewis School District;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Joint Committee on Education is requested to create a special subcommittee to study the issues of concern regarding the Dupont-Fort Lewis School District, including the question of high school program approval and the possibility of consolidating the Dupont-Fort Lewis School District with the Clover Park School District and that the subcommittee recommend to a subsequent legislative session remedy which would be advantageous to all parties involved;

BE IT FURTHER RESOLVED, That this special subcommittee of the Joint Committee on Education consist of at least one Senator and one Representative and one appointee each by the Washington Education Association, the Washington State School Directors Association, the Washington Association of School Administrators, and the Washington Federation of Teachers;

AND BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Executive Secretary of the Joint Committee on Education.

POINT OF INQUIRY

Senator Huntley: "Would Senator Francis yield? Senator, I was on the joint committee on education a biennium or two ago and we made a study of that very problem at that time. What do you expect to learn now that we did not learn at the time we studied it before?"

Senator Francis: "Senator Woodall has suggested a proposed answer to the question but, seriously, I could only answer the question with a question by saying that if the materials are available I would like to review them and perhaps that would be all we would need for the study."

"I personally have had enough questions raised; you were with me the night that we brought the board of education over. I felt that there were really two sides to the thing and that we needed to explore it further to get a sound determination, I think not only on the facts but on what kinds of policies we should adhere to in the legislature and I think that we could come up with some fairly sound recommendations that are well grounded in reason and fact."

Senator Huntley: "I do not have any objections to the study. I just hope that you come up with something this time that will stick and will solve the problem because it is one that certainly should be solved. I just wondered if you had some new avenues open to you that we did not have at the previous time."

Senator Francis: "I am not familiar with the old study and I would certainly think that that should be the starting point."

POINT OF INQUIRY

Senator Guess: "Would Senator Francis yield? Senator, we have as a special order of business at eleven o'clock this morning, Engrossed House Bill No. 479. Have the passage of House Bill No. 479 and this resolution anything to do with each other?"

Senator Francis: "Senator Guess, I would say that I had thought they should. However, this body acted on the Dupont amendment by adopting the committee's amendment against my recommendation and against my vote. I do not propose to raise that again. I will accept the decision of this body as to what was done a few days ago in regard to that amendment on Engrossed House Bill No. 479. So I do not propose to rebattle that issue again. I do think though that we should study it and maybe we will simply conclude that we made the right decision here and I would hope so. I think that would save everybody time and effort but I think that we ought to look at this thing in the interim."

Further debate ensued.

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

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED HOUSE BILL NO. 479, by Representatives Hoggins, Randall and Cunningham (by Joint Committee on Education request):

Changing law relating to nonhigh school district aid to high school districts.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 479, as amended, and the pending amendment by Senator Ridder adding a new section.

There being no objection, the amendment by Senator Ridder was withdrawn.

Senator A twoed moved adoption of the following amendment:

On page 8, section 9, line 1, add a new section to read as follows:

"Sec. 9. Section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September [1969] 1971 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows:

September	10 %
October	8 %
November	6.5%
December	[6.5] 8.5%
January	13 %
February	13 %
March	11 %
April	5 %
May	5 %
June	[5] 1.5%

July .....	[8.5] 10.0%
August .....	8.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during a year beginning September first and continuing through August thirty-first. Appropriations made for school districts for the biennium beginning July 1, [1969] 1971, and ending June 30, [1971] 1973, shall consist of the monthly apportionments due for July and August of [1969] 1971 plus the apportionments due for twenty-two months beginning with September, [1969] 1971 and ending with June, [1971] 1973. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several intermediate school districts during such month: PROVIDED, That any school district may, through its intermediate school district superintendent, petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed [five] ten percent of the total amount to become due and apportionable during the school districts' fiscal year. The superintendent of public instruction shall determine if the emergency warrants such advance, and if the funds are available therefor, and if he determines in the affirmative he may approve such advance and at the same time add such an amount to the apportionment for the intermediate school district in which the district is located: PROVIDED, That the interest earned by school districts on the investment of temporary cash surpluses, resulting from obtaining such advance of state funds, shall be deducted from the remaining amount apportionable to said districts during that year and/or the year immediately following."

Debate ensued.

#### POINT OF INQUIRY

Senator Washington: "Would Senator Atwood yield? The title on the bill is relating to non-high school districts. Does this only relate to non-high school districts?"

Senator Atwood: "Not the amendment."

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

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

On page 8, section 11, line 19 of the engrossed bill, strike "and 9"

On line 29, after "1973" and before the period insert "and section 9 of this 1971 amendatory act shall take effect July 1, 1971"

Senator Ridder: "Senator Atwood, would you yield to a question? This would mean that this new switch in the apportionment formula would take effect at that time?"

Senator Atwood: "Yes, but wouldn't have any effect this year because the law as it presently reads is July, will be next July."

Senator Murray moved adoption of the following amendment:

In new section 6 after "district" add ": PROVIDED, That any school district qualifying under this section shall not be eligible for state capital construction matching funds prior to January 1, 1977"

Senator Odegaard moved adoption of the following amendment to the amendment by Senator Murray:

<sup>1</sup> On line 3 of the Murray amendment following "funds" insert "for high school buildings"

Debate ensued.

#### POINT OF INQUIRY

Senator Gissberg: "Would Senator Murray yield? Senator, if your amendment is adopted as amended, would this prohibit any non-high district from building a new high school?"

Senator Murray: "The understanding when we passed the committee amendment was that the only school covered by this amendment was the Dupont high school. So that the intent here is merely to say to Dupont that they cannot come in and apply for capital construction funds for a new high school building until January 1, 1977."

Senator Gissberg: "The intent yes, but the amendment as drawn, it certainly sounds to me as though it would affect all school districts that are in—even though they may have received the approval of their superintendent or the board of education, it might preclude them from building a new high school."

Senator Murray: "My amendment to the amendment is attached directly and has a proviso to that amendment. If the representation was correct and we adopted the amendment that the only school district affected was the Dupont school district, then that is what I am talking to, is that only the Dupont school district is affected."

## MOTION

On motion of Senator Woodall, Engrossed House Bill No. 479 and the pending amendment, and the amendment to the amendment, was made a special order of business immediately after the noon recess.

## SECOND READING

ENGROSSED HOUSE BILL NO. 863, by Representatives Jones, Costanti and Gilleland:

Defining school day for common school purposes.

The Senate resumed consideration of Engrossed House Bill No. 863 and the pending amendment by Senator Fleming.

There being no objection, the amendment by Senator Fleming was withdrawn.

On motion of Senator Francis, the following amendment by Senators Francis and Elicker was adopted:

On page 2, strike all of section 2.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 863, 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. 863, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Day, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Scott, Stortini, Talley, Walgren, Washington, Wilson—34.

Voting nay: Senators Canfield, Cooney, Donohue, Durkan, Guess, Huntley, Peterson (Ted), Sandison, Twigg, Whetzel, Woodall—11.

Absent or not voting: Senators Dore, Matson, Metcalf—3.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 863, 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. 863, as amended by the Senate, was ordered immediately transmitted to the House.

SUBSTITUTE HOUSE BILL NO. 595, by Committee on Natural Resources and Ecology:

Enacting the Pollution Disclosure Act of 1971.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 595 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 Atwood, Senators Andersen and Sandison were excused to attend a Conference Committee meeting.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 595, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senator Guess—1.

Absent or not voting: Senator Dore—1.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SUBSTITUTE HOUSE BILL NO. 595, having received the 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. 17,  
 SUBSTITUTE SENATE BILL NO. 85,  
 SUBSTITUTE SENATE BILL NO. 139,  
 SENATE BILL NO. 144,  
 SECOND SUBSTITUTE SENATE BILL NO. 146,  
 SENATE BILL NO. 170  
 SENATE BILL NO. 368,  
 SENATE BILL NO. 369,  
 SUBSTITUTE SENATE BILL NO. 441,  
 SUBSTITUTE SENATE BILL NO. 446,  
 SENATE BILL NO. 454,  
 SENATE BILL NO. 465,  
 SENATE BILL NO. 486,  
 SENATE BILL NO. 531,  
 SENATE BILL NO. 559,  
 SENATE BILL NO. 659,  
 SENATE BILL NO. 690,  
 SENATE BILL NO. 691,  
 SENATE BILL NO. 735,  
 SUBSTITUTE SENATE BILL NO. 770,  
 SENATE BILL NO. 884.

## SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 21, by Representatives Smythe, Haussler, North, Bauer, Blair, Litchman, Marsh and May (by Legislative Council request):

Proposing constitutional amendment authorizing new form of city-county government in lieu of present city and county government.

The Senate resumed consideration of Engrossed House Joint Resolution No. 21 and the pending committee amendments.

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

On motion of Senator Whetzel, the rules were suspended, Engrossed House Joint Resolution No. 21, as amended by the Senate, 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 Guess: "Will Senator Whetzel yield? Senator, the language that is struck in the amendment strikes out the requirement that this shall not be done in counties unless they have at least three hundred thousand people?"

Senator Whetzel: "Yes."

Senator Guess: "Then will you describe to the body how the charter is proposed?"

Senator Whetzel: "Yes. There is only one method and that is the method that is set forth in this constitutional provision. Registered voters in the county equal to ten percent at the last general election must sign a petition to the county legislative authority calling for an election of freeholders. At that time the county legislative authority sets an election of freeholders, following the same procedures that are in the Constitution for a county charter. The freeholders then frame a charter which is like a constitution or a governing document for the combined municipality. This then goes back and is submitted to all the voters in the county to accept or reject."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 21, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Dore, McCutcheon, Matson, Ridder—4.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED HOUSE JOINT RESOLUTION NO. 21, as amended by the Senate, having received the constitutional majority, was declared passed.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Day, the appointment of SIDNEY E. SMITH as secretary of the Department of Social and Health Services was confirmed.

## APPOINTMENT OF SIDNEY E. SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 1; absent or not voting, 5; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—39.

Voting nay: Senator Woodall—1.

Absent or not voting: Senators Cooney, Dore, Durkan, McCutcheon, Matson—5.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

## MOTION

On motion of Senator Gissberg, the Senate returned to the fifth order of business.

## INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 32, by Senator Mardesich:

Creating a joint interim committee on banking, insurance and utility regulation.

On motion of Senator Gissberg, the rules were suspended, Senate Concurrent Resolution No. 32 was advanced to second reading and read the second time in full.



## POINT OF INQUIRY

Senator Clarke: "Does Senator Gissberg yield? This is substantially the same as the Senate bill we passed?"

Senator Gissberg: "Yes."

On motion of Senator Gissberg, the rules were suspended, Senate Concurrent Resolution No. 32 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. 32, and the resolution passed the Senate by the following vote: Yeas, 40; absent or not voting, 5; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Day, Dore, Francis, Huntley, McCutcheon—5.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SENATE CONCURRENT RESOLUTION NO. 32, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Ridder, the Senate returned to the fourth order of business.

## MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has passed SENATE BILL NO. 295, with the following amendments:

On page 2, section 1, line 6 after "duration" insert "*PROVIDED, That when the annual license renewal date of a previously licensed boarding home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license*"

On page 2, section 2, line 29 after "duration" insert "*PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license*"

On page 3, section 3, line 20 after "duration" insert "*PROVIDED, That when the annual license renewal date of a previously licensed hospital is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license*"

On page 4, section 4, line 4 after "duration" insert "*PROVIDED, That when the annual license renewal date of a previously licensed private establishment is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license*",

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Newschwander, the Senate concurred in the House amendments to Senate Bill No. 295.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 295, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Dore, Foley, McCutcheon—3.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SENATE BILL NO. 295, 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 9, 1971.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 185, and has passed the bill as amended by the Conference Committee, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 185, allowing sale of property by governmental units, have had the same under consideration, and we recommend that the Senate concur in the House amendments.

Signed by: Senators Walgren, Peterson (Ted) and Wilson; Representatives Bottiger, Bluechel and Hatfield.

## MOTION

On motion of Senator Walgren, the report of the Conference Committee on Senate Bill No. 185 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 185, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Dore, Durkan, Henry, McCutcheon—4.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SENATE BILL NO. 185, as amended by the 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 7, 1971.

Mr. President: The House has passed SENATE BILL NO. 408, with the following amendments:

- On page 1, section 1, line 13 after "during" strike "or contemplated for"
- On page 1, section 3, line 27 after "and shall" strike "provide full and adequate allowances for" and insert "give full consideration to the cost of"
- On page 2, section 4, line 7 after "and shall" strike "base" and insert "consider in"
- On page 2, section 4, line 8 after "rate recommendations" strike "upon"
- On page 2, section 5, line 13 beginning with "increases" strike everything down to and including "special" on line 15 and insert "changes in payroll and property taxes", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Newschwander, the Senate concurred in the House amendments to Senate Bill No. 408.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 408, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 3; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Connor, Dore, McCutcheon—3.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SENATE BILL NO. 408, 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 9, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 542, with the following amendments:

- On page 1, line 1 of the title, following "to sewer" insert "and water"
- On page 1, line 24 strike "a new section" and insert "new sections"
- On page 13 of the engrossed substitute bill, following section 12, insert a new section as follows:

"NEW SECTION. Sec. 13. Whenever a city or town located wholly or in part within a water district shall enter into a contract with the commissioners of a water district providing that the city or town shall take over all of the operation of the facilities of the district located within its boundaries, such area of said water district located within said city or town shall upon the execution of said contract cease to be a part of said water district and the inhabitants therein shall no longer be permitted to vote in said water district. The land, however, within such city or town shall remain liable for the payment of all assessments, any lien upon said property at the time of the execution of said agreement and for any lien of all general obligation bonds due at the date of said contract, and the city shall remain liable for its fair prorated share of the debt of the area for any revenue bonds outstanding as of said date of contract.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 542.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 542, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Dore, McCutcheon—2.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 542, 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

HOUSE CONCURRENT RESOLUTION NO. 42, by Representatives Berentson, Bledsoe, Wolf, Martinis, Charette, Perry and Marsh:

Expediting highway construction contracts to relieve unemployment.

## MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 42 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. 42 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 42, and the resolution passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Connor, Dore, Durkan, McCutcheon—4.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

HOUSE CONCURRENT RESOLUTION NO. 42, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 41, by Representatives Kopet, Shera, Goldsworthy, Chatalas and Marsh:

Requesting the legislative budget committee to study alternative ways of state pension funding.

## MOTIONS

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 41 was advanced to second reading and read the second time in full.

On motion of Senator Atwood, the rules were suspended, House Concurrent

Resolution No. 41 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 41, and the resolution passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—45.

Absent or not voting: Senators Connor, Dore, McCutcheon—3.

Excused: Senator Stender—1.

HOUSE CONCURRENT RESOLUTION NO. 41, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 777, by Committee on Appropriations:

Making supplemental appropriations for the period ending June 30, 1973.

On motion of Senator Greive, the rules were suspended, Substitute House Bill No. 777 was advanced to second reading and read the second time in full.

#### MOTION

On motion of Senator Greive, Substitute House Bill No. 777 was ordered held on second reading.

HOUSE BILL NO. 897, by Representatives Perry, Barden and Sawyer:

Exempting pension benefits to city employees from inheritance tax.

On motion of Senator Greive, the rules were suspended, House Bill No. 897 was advanced to second reading and read the second time in full.

#### MOTIONS

On motion of Senator Greive, House Bill No. 897 was ordered held on second reading.

On motion of Senator Jolly, the Senate returned to the fourth order of business.

#### MESSAGE FROM THE HOUSE

May 9, 1971.

Mr. President: The House has passed SENATE BILL NO. 525, with the following amendments:

On page 2, section 2, line 6 after "director" strike "may" and insert "shall"

On page 3, section 5, line 28 after "director" strike "may" and insert "shall", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Jolly, the Senate concurred in the House amendments to Senate Bill No. 525.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 525, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—43.

Absent or not voting: Senators Andersen, Canfield, Dore, McCutcheon, Whetzel—5.

Excused: Senator Stender—1.

SENATE BILL NO. 525, 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.

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, and has granted said committee the powers of Free Conference.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has passed:

SENATE BILL NO. 82,  
ENGROSSED SENATE BILL NO. 164,  
ENGROSSED SENATE BILL NO. 209,  
ENGROSSED SENATE BILL NO. 335,  
SUBSTITUTE SENATE BILL NO. 401,  
ENGROSSED SENATE BILL NO. 612,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 796,  
ENGROSSED SENATE BILL NO. 861,  
ENGROSSED SENATE BILL NO. 863,  
SENATE BILL NO. 883,  
SENATE JOINT MEMORIAL NO. 5,  
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 23,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 40,  
HOUSE BILL NO. 86,  
HOUSE BILL NO. 175,  
HOUSE BILL NO. 210,  
HOUSE BILL NO. 212,  
HOUSE BILL NO. 218,  
SUBSTITUTE HOUSE BILL NO. 321,  
HOUSE BILL NO. 335,  
HOUSE BILL NO. 373,  
HOUSE BILL NO. 430,  
SUBSTITUTE HOUSE BILL NO. 433,  
HOUSE BILL NO. 567,  
HOUSE BILL NO. 697,  
HOUSE BILL NO. 706,  
HOUSE BILL NO. 766,  
HOUSE BILL NO. 813,  
HOUSE BILL NO. 853,  
HOUSE BILL NO. 876,  
HOUSE BILL NO. 1034,  
SUBSTITUTE HOUSE BILL NO. 1041,  
HOUSE CONCURRENT RESOLUTION NO. 20,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

At 12:30 p.m., on motion of Senator Greive, the Senate recessed until 3:00 p.m.

#### AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

## SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 40,  
 HOUSE BILL NO. 86,  
 HOUSE BILL NO. 175,  
 HOUSE BILL NO. 210,  
 HOUSE BILL NO. 212,  
 HOUSE BILL NO. 218,  
 SUBSTITUTE HOUSE BILL NO. 321,  
 HOUSE BILL NO. 335,  
 HOUSE BILL NO. 373,  
 HOUSE BILL NO. 430,  
 SUBSTITUTE HOUSE BILL NO. 433,  
 HOUSE BILL NO. 567,  
 HOUSE BILL NO. 697,  
 HOUSE BILL NO. 706,  
 HOUSE BILL NO. 766,  
 HOUSE BILL NO. 813,  
 HOUSE BILL NO. 853,  
 HOUSE BILL NO. 876,  
 HOUSE BILL NO. 1034,  
 SUBSTITUTE HOUSE BILL NO. 1041,  
 HOUSE CONCURRENT RESOLUTION NO. 20.

## SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of the House message on Substitute Senate Bill No. 147 and the House amendments thereto.

There being no objection, the motion by Senator Peterson (Lowell) to concur in the House amendments was withdrawn.

## MOTION

On motion of Senator Peterson (Lowell), Substitute Senate Bill No. 147 and the House amendments thereto was referred to the Committee on Rules and Joint Rules.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 273 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed Senate Bill No. 273 and the House amendments thereto: Representatives Conway, Rabel and McDermott.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Day, the request of the House for a conference on Engrossed Senate Bill No. 273, and the House amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 273, and the House amendments thereto: Senators Day, McDougall and Odegaard.

## MOTION

On motion of Senator Atwood, the Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House insists on its position and refuses to concur in the Senate amendments to HOUSE BILL NO. 313, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on House Bill No. 313: Representatives Kiskaddon, Kopet and Luders.

MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Day, the request of the House for a conference on House Bill No. 313, and the Senate amendments thereto was granted.

## APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 313, and the Senate amendments thereto: Senators Day, Holman and Wilson.

## MOTIONS

On motion of Senator Jolly, the Conference Committee appointments were confirmed. At 3:15 p.m., on motion of Senator Bailey, the Senate recessed until 3:55 p.m.

## SECOND AFTERNOON SESSION

The President called the Senate to order at 3:55 p.m.

## SECOND READING

HOUSE BILL NO. 1022, by Representative Eikenberry:  
Relating to state government.

The Senate resumed consideration of House Bill No. 1022 on second reading.

## MOTION

Senator Ridder moved that House Bill No. 1022 be returned to the Committee on Rules and Joint Rules.

## POINT OF INQUIRY

Senator Atwood: "Will Senator Ridder yield? Senator, I thought that there was some agreement on this."

Senator Ridder: "No, there was a disagreement on this and we agreed to move it back into the Committee on Rules and Joint Rules and go through regular channels."

Senator Atwood: "You mean the Democrat caucus?"

Senator Ridder: "Yes."

Senator Atwood: "You take full responsibility for that?"

Senator Ridder: "Yes."

The motion by Senator Ridder carried. House Bill No. 1022 was returned to the Committee on Rules and Joint Rules.

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



## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 606 with the following amendments:

On page 1, section 1, line 8 of both the printed and engrossed bills, strike "meeting all of" and insert "substantially meeting"

On page 1, section 1, line 11 of both the printed and engrossed bills, after "property," strike "on" and insert "or", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 606.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 606, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odgaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—38.

Absent or not voting: Senators Andersen, Fleming, Francis, Gardner, Herr, McCutcheon, Murray, Ridder, Twigg, Whetzel—10.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 606, 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 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 605 with the following amendments:

On page 1, section 1, line 14, after "the abandoned" strike "remanant" and insert "remnant"

On page 1, section 1, line 16, after "addition of" strike "vital"

On page 2, section 2, beginning on line 4 after "hauler" strike all of the matter down to and including "condition" on line 7 and insert "or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk"

On page 2, section 3, beginning on line 20 strike "hulk hauler" and insert "applicant"

On page 3, section 4, beginning on line 6 strike "issue a hulk hauler's license" and insert "issue the license applied for"

On page 3, section 5, line 17 after "hauler" and before "shall" insert "or scrap processor"

On page 3, section 6, line 20 after "hauler" and before "shall" insert "or scrap processor"

On page 3, section 7, beginning on line 30 after "application for" strike "a hulk hauler's license or renewal of a hulk hauler's license" and insert "issuance or renewal of a license as provided in this act"

On page 4, section 7, line 1 after "hauler's" and before "license" insert "or scrap processor's",

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. 605.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 605, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—38.

Absent or not voting: Senators Andersen, Fleming, Francis, Gardner, Herr, McCutcheon, Murray, Peterson (Lowell), Ridder, Whetzel—10.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 605, 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 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 485 with the following amendments:

In line 1 of the title after "agencies;" and before "repealing" insert "amending section 3, chapter 237, Laws of 1967 and RCW 34.04.025;"

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Section 1. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

**NEW SECTION.** Sec. 2. As used in this act unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington.

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions and agencies.

(2) "Governing body" means the multimember board, commission, committee, council or other policy or rule-making body of a public agency.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

**NEW SECTION.** Sec. 3. All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this act.

**NEW SECTION.** Sec. 4. A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

**NEW SECTION.** Sec. 5. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other

news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

**NEW SECTION.** Sec. 6. No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this act. Any action taken at meetings failing to comply with the provisions of this section shall be null and void.

**NEW SECTION.** Sec. 7. The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That the notice requirements of this act shall be suspended during such emergency.

**NEW SECTION.** Sec. 8. A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

**NEW SECTION.** Sec. 9. The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in section 8 of this act for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

**NEW SECTION.** Sec. 10. Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the governing body in the same manner and to the same extent set forth in section 9 of this act for the adjournment of meetings.

**NEW SECTION.** Sec. 11. Nothing contained in this act shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or the purchase of real estate, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

**NEW SECTION.** Sec. 12. Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this act applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this act does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any

disability or legal disadvantage based on conviction of a criminal offense. Reasonable expenses, including attorney's fees, shall be awarded the person bringing the action if the suit results in assessment of the civil penalty. The members held to be in violation shall be personally liable only for their pro rata share of the expenses.

**NEW SECTION.** Sec. 13. Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this act by members of a governing body.

**NEW SECTION.** Sec. 14. If any provision of this 1971 amendatory act conflicts with the provisions of any other statute, the provisions of this 1971 amendatory act shall control: PROVIDED, That this act shall not apply to:

(1) the proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) that portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) matters governed by Title 34 RCW, the administrative procedures act, except as expressly provided in section 17 of this 1971 amendatory act.

**NEW SECTION.** Sec. 15. The following acts or parts thereof are each hereby repealed:

(1) Section 1, chapter 216, Laws of 1953 and RCW 42.32.010;

(2) Section 2, chapter 216, Laws of 1953 and RCW 42.32.020.

**NEW SECTION.** Sec. 16. This act may be cited as the "Open Public Meetings Act of 1971".

Sec. 17. Section 3, chapter 237, Laws of 1967 and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment or repeal of any rule, each agency shall:

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in [RCW 42.32.010] *this 1971 amendatory act*, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

**NEW SECTION.** Sec. 18. The purposes of this 1971 amendatory act are hereby declared remedial and shall be liberally construed.

**NEW SECTION.** Sec. 19. 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." and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Wilson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 485.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 485, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 5; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Stortini, Talley, Walgren, Washington, Wilson—33.

Voting nay: Senators Matson, Metcalf, Newschwander, Scott, Woodall—5.

Absent or not voting: Senators Andersen, Connor, Day, Francis, Henry, Herr, McCutcheon, Ridder, Twigg, Whetzel—10.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 485, 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.

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 903 with the following amendment:

On page 1, section 1, line 15 of the engrossed bill, being the last line of the Senate amendment, after "preference," insert "The provisions of this act shall no longer be effective as of June 30, 1973," and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

On motion of Senator Peterson (Lowell), the Senate concurred in the House amendment to Engrossed Senate Bill No. 903.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 903, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 6; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Durkan, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Stortini, Talley, Twigg, Washington, Wilson, Woodall—32.

Voting nay: Senators Clarke, Elicker, McDougall, Metcalf, Newschwander, Scott—6.

Absent or not voting: Senators Andersen, Day, Donohue, Dore, Francis, McCutcheon, Matson, Ridder, Walgren, Whetzel—10.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 903, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 865 with the following amendments:

In line 1 of the title after the semicolon following "counties" and before "and" insert "adding a new section to chapter 36.32 RCW:"

On page 1, add a new section following section 1 as follows:

"NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

Nothing in this chapter shall permit the counties to adopt, by reference or by ordinance, regulations relating to the subject matter contained in chapters 19.28, 43.22, 70.79, or 70.87 RCW."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Elicker, the Senate concurred in the House amendments to Engrossed Senate Bill No. 865.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 865, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 13; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Donohue, Elicker, Foley, Gardner, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—35.

Absent or not voting: Senators Andersen, Day, Dore, Durkan, Fleming, Francis, Gissberg, Henry, Huntley, McCutcheon, Murray, Ridder, Whetzel—13.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 865, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 428 with the following amendment:

On page 6, section 10, line 7 after "Sec. 10." strike the balance of the section and insert "The department may design and produce a litter bag bearing the state-wide antilitter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 amendatory act, such litter bags may be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of watercraft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 amendatory act.", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Canfield, the Senate concurred in the House amendment to Engrossed Senate Bill No. 428.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 428, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; absent or not voting, 13; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Dore, Fleming, Foley, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—35.

Absent or not voting: Senators Andersen, Clarke, Day, Donohue, Durkan, Elicker, Francis, Gissberg, Henry, McCutcheon, Murray, Peterson (Ted), Ridder—13.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 428, 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.

May 7, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 678 with the following amendment:

On page 13, section 14, line 9 after "fund" insert "": PROVIDED, That this section shall not apply to any special assessments due in behalf of such property", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Substitute Senate Bill No. 678.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 678, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Andersen, Clarke, Donohue, Francis, Gissberg, Henry, McCutcheon, Murray, Peterson (Ted), Ridder—10.

Excused: Senator Stender—1.

SUBSTITUTE SENATE BILL NO. 678, 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.

May 10, 1971.

Mr. President: The House has passed SENATE BILL NO. 288 with the following amendments:

On page 1, section 1, line 26 after "*bids, and*" strike the remainder of the sentence through "*appropriate*" and insert "*may call for new bids*"

On page 2, line 8 insert four sections as follows:

**NEW SECTION.** Sec. 2. Whenever there are state school lands currently being used by cities or counties for park and recreational purposes, which state school lands can not presently be used for state park purposes, such recreational or park use shall be considered by the department of natural resources to be the highest and best use of such school lands for all purposes and any lease proposal by cities and counties for such park and recreational use under RCW 79.01.244 shall be considered the best and highest bid for such school lands.

**NEW SECTION.** Sec. 3. The department of natural resources shall register those school lands, as defined in RCW 79.01.004, which are leased to cities or towns as open space land with the county assessor of the county wherein such land is located and such land shall be approved as such and deemed classified under the provisions of chapter 84.34 RCW.

**NEW SECTION.** Sec. 4. The department of natural resources shall determine the cost of the lease of such lands to the city or town leasing such lands so that the cost of the lease is equivalent to the amount of state and local property taxes levied on similar land owned by a private person and classified as "open space land" or "farm and agricultural land" or "timber land" under the definitions of RCW 84.34.020 and registered under the provisions of chapter 84.34 RCW: PROVIDED, That the parcel limitations contained in such definitions shall be disregarded for the purposes of this section only," and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

Senator Mardesich moved that the Senate concur in the House amendments to Senate Bill No. 288.

Debate ensued.

## POINT OF INQUIRY

Senator Guess: "Will Senator Mardesich yield? Senator, we were trying this morning in the Committee on Rules and Joint Rules to put on House Bill No. 464. Is this the same as 464?"

Senator Mardesich: "I could not say, Senator Guess. I really do not know."

Senator Metcalf: "Mr. President, and members of the Senate, speaking to Senator Guess' question: No, this relates specifically to one park in Lynnwood and the other relates to another problem in that school district."

Further debate ensued.

The motion by Senator Mardesich carried and the Senate concurred in the House amendments to Senate Bill No. 288.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 288, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Canfield, Clarke, Cooney, Day, Dore, Durkan, Elicker, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Woodall—36.

Voting nay: Senators Bailey, Connor, Foley, Odegaard, Wilson—5.

Absent or not voting: Senators Andersen, Donohue, Fleming, Francis, McCutcheon, Ridder, Twigg—7.

Excused: Senator Stender—1.

SENATE BILL NO. 288, 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.

## PERSONAL PRIVILEGE

Senator Bailey: "I would like to call attention to the fact that educator Mr. Hoggins in the House put this amendment on and it is backed by the educators in the Senate and I hope the next time we hear one of these educators talk about using school trust lands and managing school trust lands properly, that they understand that they have not been much of a party to it today. They have absolutely abandoned any hope of the state land commissioner managing the land which he is constitutionally assigned to do."

## MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed SENATE BILL NO. 449 with the following amendment:

On page 2, section 3, line 29 beginning with "Costs" strike everything through "same." on page 3, line 18 and insert:

"[Costs shall be allowed in the supreme court, irrespective of any costs to be taxed in the case in the court below, to the prevailing party in the supreme court, on any appeal in any civil action or proceeding or any applications for any original writs, other than writs of habeas corpus as follows: The fees of the clerk of the supreme court paid by the prevailing party, the fees of the clerk of the court below for preparing, certifying and sending up the records on appeal, or any supplementary record, paid by the prevailing party, and twenty-five dollars attorneys' fees, besides his necessary disbursements for the printing of briefs, and any sum actually paid or incurred by the prevailing party as stenographer's fees, not exceeding ten cents a folio, for making a transcript of the evidence or any part thereof included in the bill of exceptions or statement of facts, but when the judgment of the court below shall be affirmed in part and reversed in part, or affirmed as to some of the parties and reversed as to others, or modified, the costs shall be in the discretion of the court, and when the judgment is reversed and a new trial ordered, the court may in its discretion direct that costs of the prevailing party shall abide the result of the action. When in the opinion of the supreme court a brief of the prevailing party shall be unnecessarily long, or improper in substance, the court may in its discretion order the disallowance as costs of any part or the whole of the disbursements for printing the same.]"

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTIONS

On motion of Senator Atwood, Senators Sandison, Donohue and Andersen were excused to attend a Conference Committee meeting.

On motion of Senator Atwood, the Senate concurred in the House amendment to Senate Bill No. 449.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; absent or not voting, 8; excused, 4.



Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—37.

Absent or not voting: Senators Elicker, Francis, Huntley, McCutcheon, Mardesich, Matson, Murray, Ridder—8.

Excused: Senators Andersen, Donohue, Sandison, Stender—4.

SENATE BILL NO. 449, 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.

May 10, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 216 with the following amendments:

On page 1, line 8 of the title after "18.44.080;" strike everything through "18.44.160;" on line 10

Beginning on page 4, line 28 strike all of sections 6 and 7 and insert a new section as follows:

"NEW SECTION. Sec. 6. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

Upon application by the director or any other interested party and upon a showing that the interest of the creditors so requires, the superior court may appoint a receiver to take over, operate, or liquidate any escrow office in this state."

Remember the remaining sections consecutively

On page 7, section 10, line 15 after "examination" insert ", be a resident of the state of Washington"

On page 7, section 11, line 19 after "has" strike "three" and insert "one"

On page 7, section 11, line 20 after "the" strike "five" and insert "three"

On page 7, section 11, line 23 after "be" strike everything through "Washington and" on line 24

Beginning on page 9, line 25 strike sections 15 through 20 and insert the following section:

"NEW SECTION. Sec. 15. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

The proceedings for revocation or suspension of a license or refusal to renew a license or accept an application for renewal, and any appeal therefrom or review thereof shall be governed by the provisions of chapter 34.04 RCW."

Remember the remaining section consecutively,

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Substitute Senate Bill No. 216.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 216, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 6; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Elicker, Huntley, McCutcheon, Mardesich, Newschwander, Ridder—6.

Excused: Senator Andersen, Donohue, Stender—3.

SUBSTITUTE SENATE BILL NO. 216, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 391 with the following amendments:

On page 1, section 2, beginning on line 16 of both the printed and engrossed bills, after "with" strike all the material down to and including the period following "1937" in line 19 and insert: "and if notice and procedures were either in compliance with section 6, chapter 186, Laws of 1937 or substantially in compliance with chapter 271, Laws of 1969 ex. sess."

On page 1, section 2, line 19 beginning with "The" strike everything through "jurisdictional." on line 20, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

On motion of Senator Gissberg, the Senate concurred in the House amendments to Engrossed Senate Bill No. 391.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 391, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; absent or not voting, 8; excused, 3.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Foley, Gardner, Gissberg, Greive, Guess, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—37.

Voting nay: Senator Washington—1.

Absent or not voting: Senators Durkan, Fleming, Francis, Henry, Huntley, McCutcheon, Mardesich, Newschwander—8.

Excused: Senators Andersen, Donohue, Stender—3.

ENGROSSED SENATE BILL NO. 391, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 866 with the following amendment:

On page 5, section 4, line 6 of the printed bill, being line 7 of the engrossed bill, after "exceed" strike "one thousand" and insert "six hundred fifty", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Ridder, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 866.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 866, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 9; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Dore, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Day, Durkan, Elicker, Gissberg, Huntley, McCutcheon, Mardesich, Newschwander, Twigg—9.

Excused: Senators Donohue, Stender—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 866, 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.

May 10, 1971.

Mr. President: The House has passed SENATE BILL NO. 68 with the following amendments:

In line 3 of the title after "51.32.090" strike the period and insert "; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW."

On page 2, section 1, line 10 after "(3)" strike everything down to and including "until" on line 15 and insert "As soon as"

On page 2, section 1, line 18 after "shall" strike "[cease] continue" and insert "cease"

On page 2, section 1, beginning on line 21 before "shall" strike "[No] Compensation" and insert "No compensation"

On page 2, section 1, beginning on line 22 before "the loss" strike "[unless] when" and insert "unless"

On page 2, section 1, line 23 strike "*in proportion to such loss of earning power*"

On page 3, following line 1, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

One of the primary purposes of this title is the restoration of the injured workman to gainful employment. To this end, the department shall utilize the services of individuals whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation or retraining as may be reasonable to qualify the workman for employment consistent with his physical and mental status. Where, after evaluation and recommendation by such individuals and prior to final evaluation of the workman's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured workman to a form of gainful employment, the supervisor may, in his sole discretion, continue the temporary total disability compensation under RCW 51.32.090 while the workman is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: PROVIDED, That such compensation may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the workman is required to reside away from his customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall not be chargeable to the employer's cost experience but shall be paid out of the accident fund and charged back to each class on June 30th and December 31st of each year in proportion to its premium contribution for the preceding calendar year.", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Senate Bill No. 68.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 68, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 7; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Elicker, Fleming, Foley, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Connor, Durkan, Francis, Gissberg, McCutcheon, Mardesich, Sandison—7.

Excused: Senators Donohue, Stender—2.

SENATE BILL NO. 68, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 188 with the following amendments:

On page 1, line 11 of the title, after "RCW;" insert "adding a new section"

On page 1, line 11 of the title, after "RCW;" insert "adding a new section to chapter 46.61 RCW;"

On page 2, after line 32 of the printed bill, being page 3, line 8 of the engrossed bill, insert a new section as follows:

"NEW SECTION. Sec. 4. No physician or hospital licensed in this state shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical, surgical, hospital, or health services to any individual regardless of age where its patient is unable to give his consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care: PROVIDED, That such physician or hospital has acted in good faith and without knowledge of facts negating consent. The state board of health shall adopt rules and regulations defining situations which may be considered emergent for the purposes of this act."

Re number the remaining section consecutively.

On page 2, after line 32 of the printed bill, being page 3, line 8 of the engrossed bill, insert a new section as follows:

"NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

No physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory employing or utilizing services of such physician, registered nurse or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when requested in writing by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20.308(2): PROVIDED, That the blood was withdrawn according to recognized medical procedures: PROVIDED FURTHER, That the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood sample."

Re number the remaining section consecutively.,

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 Engrossed Senate Bill No. 188 with the exception of the amendment adding new section 5 and asks the House to recede therefrom.

May 10, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 90 with the following amendments:

On page 4, line 17 insert a new section following section 8 as follows:

"NEW SECTION. Sec. 9. Any sound recording of debate in the house or senate made by legislative employees shall be preserved by the chief clerk of the house and by the secretary of the senate, respectively, for two years from the end of the session at which made, and thereafter shall be transmitted to the state archivist. The chief clerk and the secretary shall catalogue or index the recordings in their custody according to a uniform system, in order to allow easy access to the debate on specific questions before either house, and shall make available to any court of record, at the cost of reproduction, such portions of the recordings as the court may request."

Re number the remaining section as section 10.

On page 4, line 22, after "library" insert "nor shall it affect the confidentiality of the bill drafting records of the code reviser's office", and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Scott, the Senate concurred in the House amendments to Substitute Senate Bill No. 90.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 90, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 5; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Foley, Francis, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly,

Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-42.

Absent or not voting: Senators Durkan, Fleming, Gissberg, Henry, McCutcheon-5.

Excused: Senators Donohue, Stender-2.

SUBSTITUTE SENATE BILL NO. 90, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 269 with the following amendments:

On page 1, line 4 of the title to the engrossed bill, being line 1 of the printed bill, strike “; adding new sections to chapter 52.16 RCW”

On page 1 of the engrossed and printed bill, strike all of section 1

Renumber the remaining sections consecutively.

Beginning on page 2, line 33 of the engrossed bill, being page 2, line 9 of the printed bill, strike all of section 3, which is section 2 of the printed bill, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 269.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 269, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 11; excused, 2.

Voting yea: Senators Atwood, Canfield, Cooney, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall-36.

Absent or not voting: Senators Andersen, Bailey, Clarke, Connor, Day, Durkan, Gissberg, Henry, McCutcheon, Mardesich, Whetzel-11.

Excused: Senators Donohue, Stender-2.

ENGROSSED SENATE BILL NO. 269, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 720 with the following amendment:

On page 3, section 5, line 21 after “fund” insert “to the department of motor vehicles”,

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendment to Engrossed Senate Bill No. 720.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 720, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 11; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Connor, Cooney, Elicker,

Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson, Woodall—36.

Absent or not voting: Senators Clarke, Day, Dore, Durkan, Gissberg, Herr, McCutcheon, Mardesich, Matson, Twigg, Whetzel—11.

Excused: Senators Donohue, Stender—2.

ENGROSSED SENATE BILL NO. 720, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 108 with the following amendments:

On page 1, line 3 of the title, after "9.92.080" insert "; and adding a new section"

On page 1, section 1, beginning on line 21 of both the engrossed and printed bills, after "offenses" strike everything through "offenses" on line 25 and insert "[set forth as separate counts in one indictment or information the court may, in pronouncing sentence, provide that sentences therefor shall run concurrently]"

On page 2, section 1, line 4 of both the printed and engrossed bills, after "omissions," strike "set forth in separate indictments or informations."

On page 2, section 2, line 15 of the engrossed bill, being the 5th line of the Senate amendment, after "selling" insert "or attempting to sell"

On page 2, section 2, line 16 of the engrossed bill, being the last line of the Senate amendment, after "drugs" insert "for profit", and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTION

On motion of Senator Andersen, the Senate concurred in the House amendments to Engrossed Senate Bill No. 108.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 7; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—41.

Absent or not voting: Senators Bailey, Connor, Day, Elicker, Greive, McCutcheon, Whetzel—7.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 108, 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.

May 10, 1971.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 4 with the following amendment:

Beginning on page 2, line 8, after "Education" strike the remainder of the resolution and insert the following:

"the Legislative Budget Committee, the Governor, and the Legislature prior to June 1, 1972 a proposed system for fiscal management and program evaluation and accountability of educational programs for the handicapped; such report also shall include the following information:

(1) Identification of handicapped children served and unserved by public education;  
 (2) Identification of handicapped children with learning and language disabilities, as described in section 28A.13.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.010, as now or hereafter amended, and the definitive criteria employed in making such identification;

(3) Criteria employed in establishing excess cost funding, including fiscal criteria used in setting excess cost levels, functional definitions of handicapping conditions, and eligibility criteria for programs for the handicapped;

(4) Identification of handicapped children with special transportation needs and the criteria employed in making such identification;

(5) Identification of room and board cost needs for handicapped children and the criteria employed in making such identification; and

(6) Plans for implementing educational programs for handicapped children at the state and local levels of public school administration; and

BE IT FURTHER RESOLVED, That the Joint Committee on Education submit to the Governor and the Legislature prior to the 1973 legislative session any recommended changes in the education program for handicapped children, including any recommended legislation.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Governor, the State Superintendent of Public Instruction, the Secretary of the Department of Social and Health Services, the Chairman of the Legislative Budget Committee, and the Chairman of the Joint Committee on Education."

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 4.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 4, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Bailey, Dore, Greive, McCutcheon, Mardesich—5.

Excused: Senator Stender—1.

SENATE CONCURRENT RESOLUTION NO. 4, as amended by the House, having received the constitutional majority, was declared passed.

May 10, 1971.

Mr. President: The House concurs in the Senate amendments to HOUSE BILL NO. 739 on page 1, section 2, lines 21 and 22 and to page 3, line 7 after section 8 adding a new section, and asks the Senate to recede from the remaining Senate amendments, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### MOTION

On motion of Senator Durkan, the Senate receded from the remaining Senate amendments to House Bill No. 739.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 739, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson—40.

Absent or not voting: Senators Bailey, Connor, Greive, McCutcheon, Mardesich, Metcalf, Newschwander, Woodall—8.

Excused: Senator Stender—1.

HOUSE BILL NO. 739, as amended by 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 450 with the following amendments:

On page 1, line 2 of the title after "RCW 46.44.097;" insert "amending section 46.44.047, chapter 12, Laws of 1961, as amended by section 35, chapter 21, Laws of 1961 ex. sess. and RCW 46.44.047;"

On page 2, of the printed and engrossed bills, following section 1, insert a new section as follows:

"Sec. 2. Section 46.44.047, chapter 12, Laws of 1961, as amended by section 35, chapter 21, Laws of 1961 ex. sess. and RCW 46.44.047 are each amended to read as follows:

In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state [,] primary [,] or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction *within a calendar year* for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving *city streets* or county roads or using *city streets* or county roads to reach or *leave* state highways, authorized for permit by the state highway department may be issued by the *city* or county or counties involved. A fee of five dollars for such *city* or county permit may be assessed by the *city* or by the board of county commissioners which shall be deposited in the *city* or county road fund. The special permit provided for herein shall be known as a "[county] log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the *city* or county engineer involved. Authorization of additional route or routes may be made at the discretion of the *city* or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any *city street* or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or *leave* a state highway route, without first obtaining a *city* or county permit when required by the *city* or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section." 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. 450.



## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 450, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Twigg, Walgren, Wilson, Woodall—40.

Absent or not voting: Senators Bailey, Dore, Francis, Greive, McCutcheon, Stortini, Washington, Whetzel—8.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 450, 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.

## REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 540, regulating pesticides and establishing a control board, have had the same under consideration, and we recommend that Engrossed House Bill No. 540 be amended as follows:

On page 16, section 17, line 23 of the engrossed bill, being page 15, section 17, line 8 of the House committee amendment, after "thereunder" and before the period insert "PROVIDED, That no authority is granted hereunder to affect the sale or use of products on which legally approved pesticides have been legally used"

On page 18, section 20, line 26 of the engrossed bill, being page 17, section 20, line 11 of the House committee amendment, after "date." strike the balance of the section.

On page 22, section 33, line 20 of the engrossed bill, being page 21, line 5 of the House committee amendment, after "misdemeanor" insert a period and strike the balance of the section.

Signed by: Senators Jolly, Matson and Francis; Representatives Hansey, Kilbury and Schumaker.

## MOTION

On motion of Senator Jolly, the report of the Free Conference Committee on Engrossed House Bill No. 540 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 540, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Absent or not voting: Senators Bailey, Donohue, Durkan, Greive, McCutcheon, Murray—6.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 540, 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 of the act.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE JOINT RESOLUTION NO. 22, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE JOINT RESOLUTION NO. 22, providing constitutional amendment concerning loaning the credit of the state, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Gardner, Whetzel and Mardesich; Representatives Bluechel, Bottiger and Hoggins.

## MOTION

On motion of Senator Gardner, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 273, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 273, authorizing for consent for drug and alcohol abuse care by minors, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Day, McDougall and Odegaard; Representatives Conway, Rabel and McDermott.

## MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 313, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 313, providing for changes in the law relating to county hospitals and infirmaries, have had the

same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Day, Holman and Wilson; Representatives Kiskaddon, Kopet and Luders.

#### MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 51, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

#### REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 51, providing for changes in certain licensing regulations, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Day, Murray and Ridder; Representatives Curtis, Polk and Randall.

#### MOTION

On motion of Senator Day, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, providing for the registration and regulation of lobbyists, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Walgren, Woodall and Knoblauch; Representatives Cunningham, Hurley and Wanamaker.

#### MOTION

On motion of Senator Woodall, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 59, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 59, establishing a judicial retirement system, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

An Act establishing a retirement system for judges of courts of record; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

*NEW SECTION.* Section 1. This act shall be known and cited as the Washington Judicial Retirement System Act.

*NEW SECTION.* Sec. 2. The purpose of this 1971 act is to effect a system of retirement from active service.

*NEW SECTION.* Sec. 3. (1) "Retirement system" means the "Washington judicial retirement system" provided herein.

(2) "Judge" means a person elected or appointed to serve as judge of a court of record as provided in chapters 2.04, 2.06, and 2.08 RCW. Said word shall not include a person serving as a judge pro tempore.

(3) "Retirement board" means the "Washington judicial retirement board" established herein.

(4) "Surviving spouse" means the surviving widow or widower of a judge. The word shall not include the divorced spouse of a judge.

(5) "Retirement fund" means the "Washington judicial retirement fund" established herein.

(6) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance or any other benefit described herein.

(7) "Monthly salary" means the monthly salary of the position held by the judge.

(8) "Service" means all periods of time served as a judge, as herein defined. Any calendar month at the beginning or end of a term in which ten or more days are served shall be counted as a full month of service: PROVIDED, That no more than one month's service may be granted for any one calendar month. Only months of service will be counted in the computation of any retirement allowance or other benefit provided for in this 1971 act. Years of service shall be determined by dividing the total months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(9) "Final average salary" means (a) for a judge in service in the same court for a minimum of twelve consecutive months preceding the date of retirement, the salary attached to the position held by the judge immediately prior to retirement; (b) for any other judge, the average monthly salary paid over the highest twenty-four month period in the last ten years of service.

(10) "Retirement allowance" for the purpose of applying cost of living increases or decreases shall include retirement allowances, disability allowances and survivorship benefit.

(11) "Index" shall mean for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)—compiled by the bureau of labor statistics, United States department of labor.

*NEW SECTION.* Sec. 4. The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after the effective date of this 1971 act shall be members of this system. Any person serving as a judge on the effective date of this 1971 act and who is covered under the provisions of chapter 2.12 RCW shall have the option of transferring to this system. Said transfer shall be in writing and received by the Washington judicial retirement board not later than one calendar year after the effective date of this 1971 act.

*NEW SECTION.* Sec. 5. The Washington judicial retirement board is hereby established. This board shall be responsible for making effective the provisions of this 1971 act, and the authority to make all rules and regulations necessary therefor are hereby vested in the retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The administration of the retirement system is hereby vested in the director and staff of the Washington public employees' retirement system established pursuant to chapter 41.40 RCW.

*NEW SECTION.* Sec. 6. The retirement board shall consist of seven members.

(1) Three members shall be elected by the judges of the respective courts. One member shall be elected by and serve as a representative of the supreme court, one from the court of appeals and one from the superior court. The elected board members shall serve a three-year term except that the first member from the supreme court shall serve a one-year term and the first member from the court of appeals shall serve a two-year term.

(2) The governor shall appoint four members, only one of whom may be a member of the Washington state bar association. These members shall serve a four-year term with one member appointed each July 1. Original terms of office of the appointees shall be one, two, three and four years as designated by the governor.

(3) The terms of all members shall commence on the first of July following their

election or appointment. Any vacancy occurring by reason of resignation, death, disability or retirement ninety days or more before the expiration of the term of office of any elected board member shall be filled by election as provided in (1) above. If it is less than ninety days before the end of the term of office, the office shall remain vacant until the election for the next term is final. The newly elected member shall then take office immediately and fill out the remainder of the unexpired term in addition to the term to which he was elected.

If a vacancy occurs in the office of an appointed member for any reason, the governor shall appoint a replacement for the remainder of the term.

(4) The retirement board shall annually at its July meeting or the first meeting after July if there is no July meeting, elect a chairman and a vice chairman, one of whom must be a judge and one an appointed board member.

**NEW SECTION.** Sec. 7. The retirement board shall perform the following duties:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of July 1 of every even-numbered year have an actuarial evaluation made as to the mortality and service experience of the beneficiaries under this 1971 act and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of its proceedings, which shall be open to inspection by the public;

(5) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(6) From time to time adopt such rules and regulations not inconsistent with this 1971 act for the administration of this 1971 act and for the transaction of the business of the board.

No member of the board shall be liable for the negligence, default or failure of any employee or of any member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system, but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for safeguarding of the funds and assets of the system.

**NEW SECTION.** Sec. 8. (1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund.

(3) The public employees' retirement board established by chapter 41.40 RCW shall have full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 41.40.071 as now or hereafter amended.

(4) For the purpose of providing amounts to be used to defray the cost of administration and investment, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

**NEW SECTION.** Sec. 9. The total liability, as determined by the actuary, of this system shall be funded as follows:

(1) Every judge shall have deducted from his monthly salary an amount equal to seven and one-half percent of said salary.

(2) The state as employer shall contribute an equal amount on a quarterly basis.

(3) The state shall in addition guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judicial retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judicial retirement fund shall become insufficient to meet the retirement payments.

**NEW SECTION.** Sec. 10. Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on the effective date of this 1971 act or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon his written request.

(2) Any member who has completed fifteen or more years of service and has attained the age of sixty years may be retired upon his written request.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which he attains such age.

(4) Any judge who involuntarily leaves service at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to section 11 of this 1971 act and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of his judicial service.

*NEW SECTION.* Sec. 11. A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed years of service, as follows: Ten years, but less than fifteen years, three percent of his final average salary for each year of service; fifteen years and over, three and one-half percent of his final average salary for each year of service: PROVIDED, That in no case shall any retired member receive more than seventy-five percent of his final salary except as increased as a result of the cost of living increases as provided by this 1971 act.

*NEW SECTION.* Sec. 12. Any judge who has served as a judge for a period of ten or more years, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the retirement board an application in writing, asking for retirement. Upon receipt of such application the retirement board shall appoint one or more physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the board, to be paid out of the fund herein created, examine said judge and report in writing to the board their findings in the matter. If the physicians appointed by the board find the judge to be so disabled and the retirement board concurs in this finding the judge shall be retired.

*NEW SECTION.* Sec. 13. Upon a judge being retired for disability as provided in section 12 of this 1971 act, he shall receive from the fund an amount equal to one-half of his final average salary.

*NEW SECTION.* Sec. 14. A surviving spouse of any judge holding such office, or if he dies after having retired and who, at the time of his death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he been retired on the date of his death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of three years at time of death: AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this 1971 act shall cease.

*NEW SECTION.* Sec. 15. Every judge retired either for service or disability under the provisions of this 1971 act shall file a statement of income with the retirement board. Any retired judge who is receiving income from employment of any kind shall have his retirement allowance reduced by the amount that his combined retirement allowance and employment income exceed the current monthly salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this 1971 act.

*NEW SECTION.* Sec. 16. Any surviving spouse who is receiving a monthly benefit under the provisions of this 1971 act and who is employed in any capacity shall file with the retirement board a statement of earnings. If said earnings are in excess of fifty percent of the monthly allowance being received the board shall reduce the allowance payable by the amount of said excess.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this 1971 act.

*NEW SECTION.* Sec. 17. Effective July 1, 1972, and of each succeeding year, every retirement allowance which has been in effect for one year or more shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the date the retirement allowance became payable: PROVIDED, That the amount of increase or decrease in any one year shall not exceed three percent of the then payable retirement allowance: AND PROVIDED FURTHER, That this cost of living adjustment shall not reduce any pension below that amount which was payable at time of retirement.

*NEW SECTION.* Sec. 18. The right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this 1971 act, and the moneys in the fund created under this 1971 act, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

*NEW SECTION.* Sec. 19. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those records of the retirement system.

*NEW SECTION.* Sec. 20. A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearings shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony

in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

**NEW SECTION. Sec. 21.** No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

**- NEW SECTION. Sec. 22. (1)** Any member of the Washington public employees' retirement system who is eligible to participate in the judicial retirement system may, by written request filed with the retirement boards of the two systems respectively, transfer such membership to the judicial retirement system. Upon the receipt of such request, the board of the Washington public employees' retirement system shall transfer to the board of the Washington judicial retirement system (1) all employee's contributions and interest thereon belonging to such member in the employees' savings fund and all employer's contributions credited or attributed to such member in the benefit account fund and (2) a record of service credited to such member. One-half of such service shall be computed and not more than nine years shall be credited to such member as though such service was performed as a member of the judicial retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judicial retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of this 1971 act, he shall upon request therefor be repaid from the judicial retirement fund an amount equal to the amount of his employee's contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys.

(2) Any member of the judicial retirement system who was formerly a member of the Washington public employees' retirement system but who has terminated his membership therein under the provisions of chapter 41.40 RCW, may reinstate his membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judicial retirement system in accordance with subsection (1) above by making full restoration of all withdrawn funds to the employees' savings fund prior to January 1, 1972. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) and the provisions of RCW 41.40.120 (3) shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present members of the Washington public employees' retirement system who are eligible to participate in the judicial retirement system.

(3) Any member of the judicial retirement system who has served as a judge for one or more years and who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or the time of the admission of the employer into the Washington public employees' retirement system, may—upon his payment into the judicial retirement fund of a sum equal to 5% of his compensation earned for such prior public service—request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judicial retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system.

Signed by: Senators Gissberg, Woodall and Mardesich; Representatives Shera, Ross and Chatalas.

#### MOTION

On motion of Senator Woodall, the report of the Free Conference Committee on Engrossed Senate Bill No. 59 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 59, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Andersen, Atwood, Canfield, Clarke, Connor, Cooney, Day, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Talley, Twigg, Walgren, Washington, Wilson, Woodall—40.

Absent or not voting: Senators Bailey, Donohue, Dore, Greive, McCutcheon, Sandison, Stortini, Whetzel—8.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 59, 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.

## SECOND READING

ENGROSSED HOUSE BILL NO. 501, by Representatives Kuehnle, Chatalas, Merrill, Jueling, Jones, Ceccarelli and Litchman:

Amending regulation of real estate brokers and salesmen.

The Senate resumed consideration of Engrossed House Bill No. 501, the adopted committee amendments and the pending amendment by Senator Guess.

There being no objection, the amendment by Senator Guess was withdrawn.

On motion of Senator Mardesich, the following amendment was adopted on a rising vote:

On page 8, section 10, line 7 of the engrossed bill being line 6 of the printed bill, after "chapter" insert the following:

"*PROVIDED, That nothing herein shall authorize the director to withhold a broker's license from an otherwise qualified person who operates his business out of his home*"

Senator Mardesich moved adoption of the following amendment:

On page 20, section 25, line 32 of the printed bill, being page 20, section 24, line 25 of the engrossed bill, beginning with "Sec." strike all the matter down to and including "cases." on page 21, line 22 of the printed bill, being page 21, line 15 of the engrossed bill, and insert the following:

On page 20, section 24, line 25, beginning with "Sec. 24." strike all material down to and including "cases." on page 21, line 15 and insert the following:  
"Sec. 24. Section 17, chapter 222, Laws of 1951 as last amended by section 62, chapter 81, Laws of 1971 and RCW 18.85.290 are each amended to read as follows:

[The superior court to which the appeal is taken shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.]

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

[An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court or the court of appeals shall be limited to a review of the proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state.] *An aggrieved party may secure review of a final judgment of the superior court under this 1971 amendatory act by appeal therefrom. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.*"

Senator Talley moved the amendment by Senator Mardesich be laid upon the table.

Debate ensued.

The motion by Senator Talley failed. The amendment by Senator Mardesich was adopted on a rising vote.

On motion of Senator Mardesich, the following amendment to the title was adopted:

On page 2 of the title, line 8, after "as" and before "and" strike "amended by section 46, chapter 52, Laws of 1957" and insert "last amended by section 62, chapter 81, Laws of 1971"

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 501, 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. 501, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 12; excused, 1.

Voting yea: Senators Atwood, Canfield, Connor, Cooney, Day, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Newschwander, Odegard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson—36.

Absent or not voting: Senators Andersen, Bailey, Clarke, Donohue, Elicker, Greive, Holman, McCutcheon, Murray, Sandison, Whetzel and Woodall—12.

Excused: Senator Stender—1.



ENGROSSED HOUSE BILL NO. 501, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Senator Durkan, the Senate commenced consideration of the standing committee report on Senate Bill No. 926.

On motion of Senator Gissberg, the rules were suspended and the Senate did not resolve itself into a committee of the whole to consider Senate Bill No. 926.

REPORT OF STANDING COMMITTEE

May 10, 1971.

SENATE BILL NO. 926, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 926 be substituted therefor, and the substitute bill do pass.

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Canfield, Connor, Cooney, Day, Dore, Elicker, Gissberg, Greive, Guess, Holman, Huntley, Jolly, Lewis, Metcalf, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Talley, Washington, Wilson, Woodall.

MOTION

On motion of Senator Durkan, Substitute Senate Bill No. 926 was substituted for Senate Bill No. 926, the rules were suspended and Substitute Senate Bill No. 926 was advanced to second reading and read the second time in full.

Senator Atwood moved adoption of the following amendment:

On page 5, section 1, line 3, strike all material from line 3 through line 7 regarding claim of Chester A. Hogan.

Debate ensued.

The motion carried and the amendment was adopted on a rising vote.

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

On page 6, between lines 15 and 16, insert the following:

“Department of General Administration

General Fund Appropriation: For janitorial and other services to legislative agencies

On page 8, section 2, after line 24, insert: \$341,170”

“General Fund Appropriation: For the purpose of carrying out the provisions of chapter . . . , Laws of 1971 (SB 170): PROVIDED, That expenditures shall not exceed revenues

On motion of Senator Day, the following amendment was adopted: \$104,000”

On page 8, between lines 30 and 31, insert:

“General Fund Appropriation: PROVIDED, That this amount will be utilized, together with the amount included in Engrossed Substitute House Bill No. 151, for the operation of Edgecliff Sanatorium for the first year of the 1971-73 biennium . . . . . \$300,000”

On motion of Senator Durkan, the following amendment was adopted:

On page 9, section 2, line 18, after “distributed:” strike everything down to and including “\$6,461,660” on line 20, and insert the following: “To local school districts in accordance with RCW 82.50 . . . . . \$8,387,297”

Senator Durkan moved adoption of the following amendments:

On page 10, strike lines 15 and 16.

On line 17, after “Committee on” insert “Fisheries,” and strike “\$5,000” and insert “\$40,000”

Debate ensued.

The motion carried and the amendments were adopted.

Senator Dore moved adoption of the following amendment by Senators Greive, Dore and Durkan:

On page 10, line 26, strike "50,000" and insert "110,000"  
Debate ensued.

POINT OF INQUIRY

Senator Atwood: "Would Senator Dore yield? Senator, this is way beyond the current level of this committee, is it not?"

Senator Dore: "No, the current level is going to be one hundred and ten thousand."

Senator Atwood: "The current level, Senator, not the..."

Senator Dore: "The last biennium was fifty thousand but I think the lieutenant governor has a lot of plans in mind and needs, wants at least to have the same level of spending as the insurance committee. They passed eleven measures this year and just got geared up and the short session, of course, prevented a lot of bills from passing through but I am sure that in the interim they will have them ready by next January when we come back."

POINT OF INQUIRY

Senator Atwood: "Senator Greive, what plans do you have? Is this going to be used for redistricting purposes?"

Senator Greive: "First, may I answer your first question and then I will answer your second one because I happen to have the facts."

Senator Atwood: "The current level of the committee. . . ."

Senator Greive: "The current level of the committee was fifty-seven thousand of which approximately sixteen thousand five hundred was reverted. They passed seventeen bills so far and I think two or three more passed today. It completely reorganized the department of personnel on the question of sabbaticals. We wrote the rules and regulations that the department followed and it has new regulations as far as purchasing is concerned and it has probably been the hardest working—and they had twenty-seven hearings on seacoast management and provided the background for the seacoast management act that Senator Gissberg drafted. In other words, they used all of the notes in the work that they did and they had fifty-seven thousand last year for one year. They asked for one hundred and ten thousand this year and there has always been a reversion as far as I know from Governor Cherberg. He is very frugal with his funds."

Senator Atwood: "I am not questioning that, Senator. You did all that on fifty thousand dollars though."

Senator Greive: "For one year."

Senator Atwood: "For two years."

Senator Greive: "No, I am talking about a one year budget, since the last session."

Senator Atwood: "Okay. And what do you plan for next year that would be double this increase?"

Senator Greive: "We expect this for the biennium, I would expect one hundred and ten thousand dollars is double what he had and that is how come we got it."

Senator Atwood: "One more question. You do not plan to do redistricting in this committee?"

Senator Greive: "No. Senator, you are going to find very presently that it is our feeling that redistricting should be done by both houses by their facilities and operations committee, that there should be a sizeable appropriation made to each house and we have just come, Senator Bailey and myself, from the Speaker's office and he has agreed that we will put twenty-five thousand in each house's budget, that each house will work out through their caucuses on the facilities operation and it will be done that way."

Senator Atwood: "All right."

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

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

On page 10, line 29, strike "Transportation" and insert "Regulated Agencies".

On motion of Senator Durkan, the following amendment was adopted:

On page 11, section 4, after line 3 and before line 4 insert:

"General Fund Appropriation of Mobile Home Excise Tax to be distributed:  
PROVIDED, These funds will be used to maintain the current guarantee per weighted pupil through 1970-71 . . . . . \$490,077"

Senator Durkan moved adoption of the following amendment:

On page 11 of the second draft, line 21, following section 5, insert a new section as follows:

"NEW SECTION. Sec. 6. Legislative redistricting in the nature of the case because of the numerical differences existing in the composition of the membership of the House of Representatives and the Senate of the Legislature of the State of Washington is a matter peculiarly within the special province of each house of the legislature. It is therefore the intention of the legislature that each house utilize for legislative redistricting purposes during the 1971-73 biennium funds appropriated to it for interim expenses.

None of the moneys appropriated pursuant to the provisions of this act or pursuant to

the provisions of Engrossed Substitute House Bill No. 151 or appropriated pursuant to any other bill or statute enacted or in the process of being enacted by the regular or extraordinary sessions of the 1971 legislature making an appropriation to the legislative council or any other interim permanent or temporary legislative committee shall be used directly or indirectly for the purpose of preparing, collecting or assembling data for any legislative or congressional redistricting measure during the 1971-73 biennium.”

Renumber the succeeding section.

Senator Durkan moved adoption of the following amendment to the amendment by Senator Durkan:

Following the second paragraph and before “Renumber the succeeding section” insert the following:

“HOUSE OF REPRESENTATIVES

General Fund Appropriation: To carry out the provisions of  
NEW SECTION 6 . . . . . \$25,000

SENATE

General Fund Appropriation: To carry out the provisions of  
NEW SECTION 6 . . . . . \$25,000”

Debate ensued.

POINT OF INQUIRY

Senator Atwood: “What is the amendment to the amendment? Is it on our desks?”

Senator Durkan: “Senator Greive just explained to me on the floor that the Speaker of the House, and of course the Senate has to agree, has agreed with the leadership on our side. We have not had a chance to convey it to you and I apologize. They have agreed that twenty-five thousand dollars would be made available to each of the facility committees of the respective houses to work on redistricting and that the other committees of the legislature would be prohibited from working on redistricting and my amendment to the amendment provides that the twenty-five thousand should be appropriated to each of the facility committees of the separate houses for this purpose. The main amendment will then prevent the other interim committees from working on redistricting.”

The amendment to the amendment by Senator Durkan was adopted.

The amendment by Senator Durkan, as amended, was adopted.

POINT OF INQUIRY

Senator Lewis: “Would Senator Durkan yield? Senator, in reading the amendment that we adopted just a minute ago on the twenty-five thousand dollars, I see that it is, the way it is written it appears to me it is appropriated to the Senate of the state of Washington and to the House. There is nothing here that indicates it is going to the Senate facilities committee. My second question that either you or Senator Greive might answer, is this intended to mean that each house will write its own redistricting bill or is this to the joint facilities committee?”

Senator Greive: “Mr. President, Senator Bailey and I had extensive talks with the various leaders in the House, particularly Speaker Swayze and Representative Copeland, and it was finally agreed that both houses would not only work on redistricting but we would meet regularly and negotiate. It is the responsibility of each house to work as a unit with the minority caucuses on both sides being represented and we would have regular meetings and it would be done by the facilities and operations committee of each house.”

Senator Lewis: “Further question. I did not clearly understand, Senator Greive. Did you say that each house will operate separately and. . .”

Senator Greive: “No, no, no. That we will attempt to come up with one bill. You see we will do our statistical work and we will have to come together and the statistical work will be done through the House and the Senate.”

Senator Lewis: “But with this appropriation then, the inference in the appropriation that it is to go to the Senate facilities committee for their. . .”

Senator Greive: “That is correct and you will have to decide who you want to designate as your representative on the facilities committee and we will have to do the same.”

On motion of Senator Durkan, the rules were suspended, Engrossed Substitute Senate Bill No. 926 was advanced to third reading, the second 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. 926, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Walgren, Washington, Wilson—38.

Voting nay: Senators Clarke, Matson, Newschwander, Scott, Whetzel, Woodall—6.

Absent or not voting: Senators Andersen, McCutcheon, Talley, Twigg—4.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 926, having received the 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 Gissberg, the Senate commenced consideration of the standing committee report on Substitute House Bill No. 152.

On motion of Senator Gissberg, the rules were suspended and the Senate did not resolve itself into a committee of the whole to consider Substitute House Bill No. 152.

REPORT OF STANDING COMMITTEE

May 10, 1971.

SUBSTITUTE HOUSE BILL NO. 152, enacting the capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, following the enacting clause strike the remainder of the bill and insert:

“NEW SECTION. Section 1. That a capital budget is hereby adopted and subject to provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1973, out of the several funds hereinafter named:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reapprop- riations	From the Fund Designated	From the General Fund
Acquire land and buildings, repair buildings, provide drainage facilities, relocation of utilities, other improvements, East Capitol Site			
General Fund .....	876,096		
Remodel and repair capitol buildings, offices and facilities (624,025)			
General Fund .....	494,368		129,657
Construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as determined by the State Capitol Committee			
State Building Construction Account .....	3,786,267		
General Office relocation and rearrangement of facilities			
Capitol Building Construction Account .....		65,000	

Modernization of electrical distribution system—Phase II		
General Fund .....	50,723	
Acquisition, development, and improvement of lands, improvements and facilities within the East Capitol Site		
Capitol Purchase and Development Account .....	1,792,403	
Develop Capitol Lake recreational facilities (102,864)		
Capitol Building Construction Account .....	52,864	50,000
Repairs and improvements to Capitol Lake area		
Capitol Building Construction Account .....		25,000
Repair Insurance Building		
Capitol Building Construction Account .....		352,200
Acquisition, development, maintenance, and operation of temporary parking programs, routes, facilities and services for state employees and office during construction of permanent parking facilities on East Capitol Site		
State Capitol Vehicle Parking Account .....	12,000	
Renovation and replacement of utility tunnels		
Capitol Building Construction Account .....		211,755
Develop parking facilities west side of Capitol Way		
Capitol Building Construction Account .....	750,000	
Clean and waterproof capitol buildings		
Capitol Building Construction Account .....		133,774
Construct Executive Office building and parking facilities—Phase I (preplanning)		
Capitol Building Construction Account .....		100,000
Preplanning and design of Office Building No. 2, with construction of adjacent plaza and other schematics for East Capitol Site facilities (1,015,000)		
General Fund .....	400,000	
Capitol Building Construction Account .....		615,000
Construct and equip office—laboratory building—Wenatchee Tree Fruit Research Center		
General Administration Construction Fund .....	2,000,000	
Construct and equip office-laboratory building for Environmental Science Services Administration at Univer-		

sity of Washington pursuant to Chapter 121, Laws of 1969

General Administration Construction Fund ..... 2,500,000

Total (14,397,107) ..... 12,714,721      1,552,729      129,657

FOR THE MILITARY DEPARTMENT

	Reappropriations	From the Fund Designated	From the General Fund
Construct training center expansion—Bellingham (21,989) General Fund .....	17,591		4,398
Construct new armory—Seattle (3,000,000) Seattle Armory Account.....	2,200,000	800,000	
Purchase land and construct new armory—Aberdeen General Fund .....	32,937		
Construct, repair, remodel buildings and improve facilities, including architect and engineering fees (106,968) General Fund .....	98,150		8,818
Total (3,161,894) .....	2,348,678	800,000	13,216

FOR THE SCHOOL FOR THE BLIND

	Reappropriations		
Major roof repairs and waterproofing exterior of buildings General Fund .....	5,000		
Construct and equip Student Residence Hall State Building and Higher Education Construction Account.....	174,674		
Total (179,674) .....	179,674		

FOR THE SCHOOL FOR THE DEAF

	Reappropriations		
Renovate Hospital to provide isolation ward General Fund .....	8,000		
Remodel Superintendent's apartment to student dormitory General Fund .....	19,500		
Construct and equip Fieldhouse State Building and Higher Education Construction Account.....	147,042		
Total (174,542) .....	174,542		

FOR WESTERN HOSPITAL

	Reappropriations		
Renovate utilities General Fund .....	16,462		

Remodel and equip ward buildings CEP & RI Account.....	300,000		
Total (316,462) .....	316,462		

FOR RAINIER SCHOOL

		Reappro- priations	
Construct and equip laundry building addition			
General Fund .....	5,000		
Repair and replace toilets in buildings General Fund .....	63,500		
Construct and equip Vocational-Train- ing building			
State Building and Higher Educa- tion Construction Account.....	613,500		
Construct and equip Volunteer Serv- ices building—"Student Store"			
State Building and Higher Educa- tion Construction Account.....	144,600		
Total (826,600) .....	826,600		

FOR FIRCREST SCHOOL

		Reappro- priations	
Construct and equip Activities building General Fund .....	41,969		
Replace Redwood Hall—Phase I and II (4,163,713)			
General Fund .....	2,000,542		
State Building and Higher Educa- tion Construction Account.....	2,163,171		
Total (4,205,682) .....	4,205,682		

FOR THE PENITENTIARY

	Reappro- priations	From the Fund Designated	From the General Fund
Remodel wings 1, 2, 3, 4 for academic school			
General Fund .....	233,897		413,569
CEP & RI Account.....	197,408	227,052	
Total (1,071,926) .....	431,305	227,052	413,569

FOR THE REFORMATORY

	Reappro- priations	
Renovation of utilities		
State Building and Higher Educa- tion Construction Account.....	36,294	
Construct Chapel		
State Building and Higher Educa- tion Construction Account.....	26,907	
Remodel Inmates' dining room and bakery		
General Fund .....	400,121	

Divide Cellhouse No. 2 for better supervision

General Fund ..... 18,965

Total (482,287) ..... 482,287

FOR THE PURDY TREATMENT CENTER FOR WOMEN

Reappropriations

Construct and equip new women's correctional institution (695,688)

General Fund ..... 498,000

CEP and RI Account..... 197,688

Total (695,688) ..... 695,688

FOR THE CASCADIA JUVENILE RECEPTION-DIAGNOSTIC CENTER

From the Fund Designated

Construct and equip two new diagnostic cottages

CEP and RI Account..... 56,000

FOR THE MAPLE LANE SCHOOL

Reappropriations

Construct and equip Treatment Security building (292,400)

General Fund ..... 42,400

State Building and Higher Education Construction Account..... 250,000

Total (292,400) ..... 292,400

FOR THE GREEN HILL SCHOOL

From the Fund Designated

Construct and equip Treatment Security building and renovate isolation unit

CEP and RI Account..... 150,590

FOR THE GROUP HOMES

Reappropriations

From the General Fund

Construct and equip new group home (152,230)

General Fund (152,230)..... 136,000

16,230

FOR THE INDIAN RIDGE YOUTH CAMP

Reappropriations

Construct and equip Youth Camp

General Fund ..... 6,500

FOR THE VETERANS' HOME

Reappropriations

Major roof repairs to various buildings

General Fund ..... 3,500



Replace plumbing and fixtures in hospital

General Fund .....	1,000
Total (4,500) .....	4,500

FOR THE DIVISION OF INSTITUTIONS—HEADQUARTERS

	Reappropriations	From the Fund Designated	From the General Fund
Repair or replace electric, water, steam and sewer lines, boilers, install emergency generators; reduce air and water pollution (2,732,093)			
General Fund .....	142,243		
CEP and RI Account.....	1,089,850	1,500,000	
Roof repairs, parking area repairs, road repairs and other minor repairs to buildings at various institutions including repairs to meet health inspector's recommendations (1,178,922)			
CEP and RI Account.....	378,922	800,000	
Upgrade fire and safety standards per recommendations of state fire marshals and safety inspectors.....			1,458,109
Preplanning for schematic plans for projects in 1969-73 Capital budget			
General Fund .....	369,665		
Total (5,738,789) .....	1,980,680	2,300,000	1,458,109

FOR THE DEPARTMENT OF ECOLOGY

		From the General Fund
For construction of ground water observation wells: <i>Provided</i> , That these funds shall be expended only for wells located on lands east of the crest of the Cascade Mountains.....		180,000

FOR THE STATE PARKS AND RECREATION COMMISSION

	Reappropriations	From the Fund Designated	From the General Fund
Purchase and develop park sites, develop boat moorages, group camp facilities, historical sites and markers, and archeological investigations (8,646,920)			
Outdoor Recreation Account.....	2,914,919	5,732,001	
Construct, repair and improve park facilities including but not limited to trailer dumps, erosion control, preservation, sanitation and water systems (2,065,367)			
General Fund .....	734,821		1,330,546
Total (10,712,287) .....	3,649,740	5,732,001	1,330,546

FOR THE DEPARTMENT OF FISHERIES

	Reappropiations	From the General Fund
Construct and improve fish farms, rearing ponds, spawning channels, hatcheries, fishways and other fish facilities, purchase land and make emergency repairs to structures: <i>Provided, That \$665,000 of the amount in subsection (1) below shall be encumbered and expended only to the extent of revenue generated by any legislation enacted for salmon fishing licenses or revision upward of any existing license fee structure.</i>		
(1) General Fund—state appropriation (1,144,920) .....	210,920	934,000
(2) General Fund—federal appropriation (812,000) .....	175,000	637,000
(Federal share of 50% reimbursable projects)		
(3) General Fund—federal appropriation (425,000) .....		425,000
(100% federally reimbursable projects)		
	<hr/>	<hr/>
Total (2,381,920) .....	385,920	1,996,000

FOR THE DEPARTMENT OF GAME

	Reappropiations	From the Fund Designated
Purchase and develop land (4,196,840) Outdoor Recreation Account.....	454,000	3,742,840
Construct and equip Fish and Game Protective facilities (100% Reimbursable)		
Game Fund .....		1,000,000
Construct or purchase and improve headquarters buildings, hatcheries, facilities, rearing ponds, game range facilities, and brooder houses and pens		
Game Fund .....		3,293,294
Construct and equip Fish and Game Protective facilities (50% or 75% Reimbursable)		
Game Fund .....		330,000
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Total (8,820,134) .....	454,000	8,366,134

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappropiations	From the Fund Designated	From the General Fund
Rights-of-way acquisition, construct honor camp bridges and culverts, timber access road constructions, construct scaling stations, lookout towers, improvements to fire protective facilities, construct and equip			

district headquarters, and construct wild life enclosures (746,356)			
General Fund .....	128,016		405,340
Forest Development Account.....		200,000	
Resources Management Account....	13,000		
Water development, road construction, land clearing and leveling of agricultural land and range improvements (1,246,419)			
Forest Development Account.....	456,656	200,000	
Resources Management Account....	131,299	458,464	
Acquire land for recreational areas in forested and waterfront locations (2,068,458)			
Outdoor Recreation Account.....	493,740	1,574,718	
Construct and provide seed orchard facilities			
Resources Management Account....	54,000		
Acquire site for nursery expansion and construct buildings and irrigation system			
Forest Development Account.....		220,000	
Expand irrigation system at Webster Nursery			
Forest Development Account.....		38,000	
Total (4,373,233) .....	1,276,711	2,691,182	405,340

FOR THE UNIVERSITY OF WASHINGTON

	Reappropriations	From the University of Washington Building Account
Construct and equip large classroom and Auditorium building		
State Building and Higher Education Construction Account.....	240,000	
Construct and equip Computer Center		
State Building and Higher Education Construction Account.....	1,282,011	
Provide for Far Eastern Library		
University of Washington Building Account .....	442,904	
Remodel and enlarge Physical Plant Services building		
State Building and Higher Education Construction Account.....	1,297,000	
Physics building addition		
State Building and Higher Education Construction Account.....	611,000	
Construct and equip Psychology building		
State Building and Higher Education Construction Account.....	3,324,000	
Radiation Therapy and Hospital Clinic expansion		
State Building and Higher Education Construction Account.....	1,915,000	

Construct Scientific Stores Addition University of Washington Building Account .....	250,000	
Utilities, services, minor repairs and betterments (5,181,000) University of Washington Building Account .....	2,881,000	2,300,000
Construct and equip new Law Center building (5,519,000) State Building and Higher Educa- tion Construction Account.....	4,919,000	
University of Washington Building Account .....		600,000
Construct and equip Performing Arts building (Meany Hall) (6,842,000) State Building and Higher Educa- tion Construction Account.....	3,542,000	
University of Washington Building Account .....		3,300,000
Health Sciences Teaching increment Health Sciences expansion (5,480,000) State Building and Higher Educa- tion Construction Account.....	1,500,000	4,500,000
University of Washington Building Account .....	980,000	3,000,000
Preplanning for schematic plans for new capital projects.....		100,000
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Total (36,983,915) .....	23,183,915	13,800,000

## FOR WASHINGTON STATE UNIVERSITY

	Reapprop- riations	From the Washington State University Building Account	From the General Fund
Addition to and remodeling of Arts Hall (2,173,150) Washington State University Build- ing Account .....	1,600,000	573,150	
Construct and equip meats laboratory building Washington State University Build- ing Account .....	200,000		
Controlled Environment laboratories relocation Washington State University Build- ing Account .....	200,000		
Acquire and develop land to replace Wawawii and Whitlow property: <i>Provided</i> , That the proceeds from said property shall be deposited in Washington State University Build- ing Account Washington State University Build- ing Account .....	53,900		
Construct Design Disciplines building, Phase I Washington State University Build- ing Account .....	209,000		
Remodel buildings and improve facili- ties (3,314,700)			

Washington State University Building Account .....	1,800,000	1,514,700	
Extend Utilities (1,701,900)			
Washington State University Building Account .....	900,000	801,900	
Moveable equipment for Humanities building, Phase I.....		592,027	
Moveable equipment for Agricultural Sciences building, Phase II (353,725)			
Washington State University Building Account .....	278,725	75,000	
Construct and equip Physical Sciences building, Phase I and II (4,811,000)			
State Building and Higher Education Construction Account.....	2,800,000		
Washington State University Building Account .....		2,011,000	
Construct and equip Multi-Purpose Coliseum (3,550,000)			
Washington State University Building Account .....	2,800,000	750,000	
Remodel Wilson Hall.....		1,474,600	
Livestock teaching and research facilities, Phase I; Beef Cattle laboratory and sheep center.....		1,168,200	
Complete remodeling of Troy Hall....		981,000	
Remodel Bryan Hall.....		1,302,640	
Preplanning for schematic plans for new capital projects.....		100,000	
Construct and equip General Storage building			
Washington State University Building Account .....	12,500		
Construct and equip addition to McCoy Hall			
Washington State University Building Account .....	10,200		
Construct and equip Agricultural Sciences building, Phase I (300,000)			
State Building and Higher Education Construction Account.....	220,000		
Washington State University Building Account .....	80,000		
Laboratory Animal Resource Facility			867,200
Total (23,375,742) .....	11,164,325	11,344,217	867,200

FOR EASTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Eastern Washington State College Capital Projects Account	From the General Fund
Construct and equip Creative Arts complex, Phase II (2,251,961)			
General Fund .....	463,504		
State Building and Higher Education Construction Account.....	1,374,187		
Eastern Washington State College Capital Projects Account.....	414,270		

Remodel Buildings, develop and improve facilities, major betterments and extend utilities (220,862)		
General Fund .....	3,548	
Eastern Washington State College Capital Projects Account.....	110,314	107,000
Improve campus services and facilities (469,760)		
Eastern Washington State College Capital Projects Account.....	304,760	165,000
Purchase Land		
Eastern Washington State College Capital Projects Account.....	126,000	
Construct Creative Arts Building, Phase I		
Eastern Washington State College Capital Projects Account.....	53,981	
Construct Classroom building, Patterson Hall, Phase I and II (274,828)		
General Fund .....	197,517	
State Building and Higher Education Construction Account.....	77,311	
Construct Heating Plant and Services (102,583)		
General Fund .....	84,442	
State Building and Higher Education Construction Account.....	18,141	
Construct Health and Physical Education Facilities, Phase I (178,782)		
State Building and Higher Education Construction Account.....	154,782	
Eastern Washington State College Capital Projects Account.....	24,000	
Utility Tunnels, Phase I		
General Fund .....	31,226	
Utility Tunnels, Phase II		
Eastern Washington State College Capital Projects Account.....	869,679	
Preplanning for schematic plans for projects in the 1971-73 capital budget		
General Fund .....	15,687	
Addition to speech facilities		
Eastern Washington State College Capital Projects Account.....	53,981	
Purchase Fire Truck		
Eastern Washington State College Capital Projects Account.....	37,500	
Construct and equip Health and Physical Education building, Phase III....		136,000
Utility tunnels and utility service extensions .....		1,776,500
Moveable equipment for buildings under State Building Authority.....		157,550
Cheney Sewer system.....		69,000
Preplanning for schematic plans for new capital projects.....		45,000
Prepare plans for Turnbull Research Center .....		15,000
Instruction and Computer Center Building .....		2,900,000

Plant Services, Phase II, Maintenance Building .....			515,000
Plant Services, Phase III, Plant Storage Building .....			300,000
Total (10,600,880) .....	4,414,830	2,471,050	3,715,000

FOR CENTRAL WASHINGTON STATE COLLEGE

	Reappropriations	From the Central Washington State College Capital Projects Account	
Construct and equip Library-Instructional complex State Building and Higher Education Construction Account.....	4,953,859		
Construct and equip Boiler Plant addition Central Washington State College Capital Projects Account.....	50,000	601,740	
Remodel buildings and improve facilities and campus, and obtain equipment (540,000) Central Washington State College Capital Projects Account.....	390,000	150,000	
Utilities extensions and renovations...		1,159,167	
Landscaping and irrigation improvements to the campus.....		150,000	
College share of L.I.D. projects of the City of Ellensburg.....		395,110	
Construct building for buildings and grounds department .....		67,000	
Long range utility study.....		50,000	
Moveable equipment for projects under State Building Authority.....		300,000	
Preplanning for schematic plans for new capital projects.....		50,000	
Total (8,316,876) .....	5,393,859	2,923,017	

FOR THE EVERGREEN STATE COLLEGE

	Reappropriations	From The Evergreen State College Capital Projects Account	From the General Fund
Construct and equip library State Building and Higher Education Construction Account.....	952,351		
Construct and equip lecture halls State Building and Higher Education Construction Account.....	86,909		
Construct and equip Shop and Garages, Phase I State Building and Higher Education Construction Account.....	94,909		
Construct and equip College Activities building, Phase I State Building and Higher Education Construction Account.....	2,970,412		

Construct and equip Resident Hall, Unit I			
State Building and Higher Educa- tion Construction Account.....	2,523,066		
Construct and equip Science labora- tories, Phase I			
State Building and Higher Educa- tion Construction Account.....	1,200,217		
Construct and equip College Recrea- tion Center, Phase I			
State Building and Higher Educa- tion Construction Account.....	209,702		
Construction of Roads, Utilities and Site improvements			
State Building and Higher Educa- tion Construction Account.....	505,953		
Construct and equip Central Heating plant			
State Building and Higher Educa- tion Construction Account.....	24,396		
Landscaping and improvements to camp- us, Phase I			
State Building and Higher Educa- tion Construction Account.....	412,566		
Provide working drawings for Seminar building .....			225,000
Provide working drawings for Science laboratories, Phase II.....			219,000
Provide working drawings for Drama- Music-Instructional building, Phase I .....		156,000	
Preplanning for schematic plans for new capital projects.....		50,000	
		<hr/>	<hr/>
Total (9,630,481) .....	8,980,481	206,000	444,000

FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From The Western Washington State College Capital Projects Account
Land Acquisition (712,621)		
General Fund .....	188,500	
Western Washington State College Capital Projects Account.....	154,121	370,000
Remodel college buildings and im- provements to buildings and facili- ties (1,819,991)		
General Fund .....	69,948	
Western Washington State College Capital Projects Account.....	936,043	814,000
Construct and equip Classroom build- ing		
State Building and Higher Educa- tion Construction Account.....	1,550,852	
Renovation of Old Main building		
State Building and Higher Educa- tion Construction Account.....	967,662	



Construct and equip Education-Psychology building (Miller Hall) (521,-798)		
State Building and Higher Education Construction Account.....	68,685	
Western Washington State College Capital Projects Account.....	453,113	
Utility expansion and modernization (1,732,105)		
General Fund .....	57,845	
Western Washington State College Capital Projects Account.....	10,860	1,663,400
Construct and equip addition to Arts building		
Western Washington State College Capital Projects Account.....	22,579	
Construct and equip Library addition		
State Building and Higher Education Construction Account.....	1,018,532	
Addition to Auditorium-Music building		
State Building and Higher Education Construction Account.....	1,802,758	
Construct and equip Physical Education building (596,116)		
State Building and Higher Education Construction Account.....	437,296	
Western Washington State College Capital Projects Account.....	158,820	
Fairhaven Unit Academic Facilities		
Western Washington State College Capital Projects Account.....	51,660	
Library Addition, Phase III.....		369,000
Auditorium/Music addition and Social Sciences, Phase I Completion (950,-000)		
General Fund .....	450,000	
Western Washington State College Capital Projects Account.....		500,000
Moveable equipment for buildings.....		100,000
Preplanning for schematic plans for new capital projects (167,660)		
General Fund .....	6,407	
Western Washington State College Capital Projects Account.....	111,253	50,000
	8,516,934	3,866,400
Total (12,383,334) .....		

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappropriations	From the Community College Capital Projects Account
Construction of new campus, Fort Steilacoom Community College, Phase I (1,487,263)		
Public School Building Construction Account .....	1,215,508	
Community College Capital Projects Account .....	271,755	

Construction of Phase I and equipment for Phase II Bellevue Community College Community College Capital Projects Account .....	8,518,517	
Construction of Phase I and equipment for Seattle Community College Central Campus Community College Capital Projects Account .....	4,000,000	
Temporary or Emergency Relocatable Facilities controlled by the State Board Community College Capital Projects Account .....	2,738,345	
Capital projects—contingency and minor capital projects Community College Capital Projects Account .....	1,609,310	
Discretionary funds for the State Board Community College Capital Projects Account .....	194,016	
Construction of North Campus, Seattle Community College, Phase IA and IB Community College Capital Projects Account .....	205,590	
Completion of Phase I Construction, Edmonds Community College, Phase IA and IB (2,141,334) Community College Capital Projects Account .....	577,369	1,563,965
Completion of projects authorized by Board of Education and for other community college projects according to priority of need Community College Capital Projects Account .....	3,103,684	
Community College Construction, repairs, remodeling, land acquisition, equipment and other capital improvements: <i>Provided</i> , That not to exceed 5,000,000 shall be available for the Seattle Central Area campus Community College Capital Projects Account .....	26,727,936	
Construction, repairs, remodeling, land acquisition, equipment and other capital improvements for Seattle Community College General Fund .....	950,000	
Remodel Edison North to complete Phase I of Seattle Community College Central Campus .....		1,401,800
Construct Technical building for occupational training facilities, Columbia Basin College .....		1,112,735
Construct academic facilities, Walla Walla Community College.....		5,716,957

Health Occupational building to house paramedical and related instructional programs, Spokane Community College .....		1,485,066
Construct Technical building for occupational training, Wenatchee Valley College .....		898,360
Construct Science-Technical building, Green River Community College.....		1,850,498
Agricultural building to house agriculture, farm mechanics and related programs, Spokane Community College .....		908,291
Preplanning for schematic plans for new capital projects.....		100,000
Language Research Center, Phase II, Everett Community College.....		728,900
Science Building, Edmonds Community College .....		4,400,554
Total (70,279,156) .....	50,112,030	20,167,126

FOR THE BOARD OF EDUCATION-SUPERINTENDENT OF PUBLIC INSTRUCTION

	Reappropriations	From the Common School Construction Fund	From the Common School Building Construction Account
Public School Building Construction (10,235,845)			
Public School Building Construction Account .....	250,000		
Common School Building Construction Account .....	9,380,651		605,194
Public School Building Construction including commitments made to school districts pursuant to the unfunded allocation authority contained in Chapter 244, Laws of 1969, extraordinary session: <i>Provided</i> , That not to exceed 280,000, or so much thereof as needed, may be utilized to fund the school buildings systems study directed in Chapter ....., (SSB 109), Laws of 1971, 1st extraordinary session (77,337,004)			
Common School Construction Fund	31,952,393	45,384,611	
Total (87,572,849) .....	41,583,044	45,384,611	605,194

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

	Reappropriations
Construct new wing to Museum building	
State Building and Higher Education Construction Account.....	315,489

FOR THE STATE PATROL

	Reapprop- riations	From the Motor Vehicle Fund
Construct and equip scalehouses including site acquisitions and improvement to existing sites (381,100) Motor Vehicle Fund.....	190,000	191,100
Construct Communication Center and District Headquarters, East King County (570,750) Motor Vehicle Fund.....	452,750	118,000
Replace Radio Relay Facility—Okanogan Motor Vehicle Fund.....	30,000	
Replace Communications — Columbia River Area Motor Vehicle Fund.....	118,931	
Construct detachment offices at Kelso and Chehalis .....		366,000
Install Radio Communications Equipment in remote weigh stations.....		8,600
Install water and sanitary facilities at westbound Gig Harbor weigh station		3,000
Land acquisition—District I Headquarters, Tacoma .....		55,000
Replace auxiliary power plants.....		14,100
Mobile Radio Relay Station (35,700) Motor Vehicle Fund.....	17,000	18,700
Construct detachment office — Bellingham and Okanogan Motor Vehicle Fund.....	14,996	
(Reappropriations from Motor Vehicle Fund are reappropriations from State Patrol Highway Account which is being abolished.)		
Total (1,598,177) .....	823,677	774,500

FOR THE EMPLOYMENT SECURITY DEPARTMENT

From the Unemployment Compensation  
Administration Fund

Improvement of existing central office buildings and necessary related costs: <i>Provided</i> , 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: <i>Provided further</i> , 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: <i>Provided further</i> , 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.....	500,000
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*NEW SECTION.* Sec. 1A. FOR THE UNIVERSITY OF WASHINGTON HEALTH SERVICES EXPANSION—General Fund Reappropriation: *PROVIDED*, That this reappropriation shall not be allotted if sufficient funds are available in the University of

Washington Building Account: PROVIDED FURTHER, That any disbursements that may be made from this reappropriation shall be repaid to the general fund prior to June 30, 1973 . . . . . \$4,500,000.

**NEW SECTION.** Sec. 2. There is hereby appropriated from the general fund to the state board for community college education the sum of \$350,000 or so much thereof as may be required for construction and equipping the final unit of the engineering technology building 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.

**NEW SECTION.** Sec. 3. 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. 4. Before a capital project shall begin or an obligation incurred or contract entered into, the Director of the Office of Program Planning and Fiscal Management, with the approval of the Governor, shall first allot funds therefor or so much as may be necessary from the appropriation made herein.

**NEW SECTION.** Sec. 5. 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 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. 6. 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. 7. Reappropriations shall be limited to the unexpended balances remaining June 30, 1971, in the current appropriation for each project.

**NEW SECTION.** Sec. 8. 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 Division of Institutions, 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 appropriations. 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. 9. 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; nor 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.

**NEW SECTION.** Sec. 10. Except as provided in section 12 of this act none of the funds appropriated in this act shall be used by any community college for satellite or secondary campuses, nor any facilities acquired therefor; a satellite or secondary campus for the purposes of this act shall be any location having facilities to carry on instructional programs away from the primary campus of a community college district, with the exception of those facilities of a temporary nature, including facilities in local high schools, in community or privately owned buildings, mobile units, or in any other facility or location which is rented or leased for a period not to exceed two years.

**NEW SECTION.** Sec. 11. None of the funds appropriated in this act shall be used for new dormitory facilities at community colleges. In addition, any proposals to establish new dormitory facilities at any community college shall be included in the capital budget request of the state board for community colleges as submitted to the office of program planning and fiscal management, and thereafter shall be included in the executive budget for review by the legislature. Such facilities shall not be established unless authorized by the legislature.

**NEW SECTION.** Sec. 12. No expenditures of appropriated funds for minor capital outlays and/or repairs approved in this act shall be made by any state institution of higher learning offering post-high school educational programs until such anticipated expenditures have been reported to the office of program planning and fiscal management and the legislative budget committee.

**NEW SECTION.** Sec. 13. Notwithstanding any other provision of law, it is the intention of the Legislature that the Institutions of Higher Education not expend any local plant funds or any other moneys for construction of married student housing during the 1971-73 biennium.

**NEW SECTION.** Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of state government and its existing public institutions, and shall take effect immediately."

Signed by: Senators Durkan, Chairman; Atwood, Bailey, Connor, Cooney, Day, Dore,

Elicker, Greive, Guess, Herr, Jolly, Mardesich, Odegaard, Peterson (Lowell), Ridder, Stortini, Walgren, Washington, Wilson.

On motion of Senator Gissberg, the rules were suspended, Substitute House Bill No. 152 was advanced to second reading and read the second time in full.

On motion of Senator Atwood, the following amendments to the committee amendment was adopted:

On page 26, line 29, strike "867,200" and insert "31,020"

On page 26, after line 29 and before line 30, insert "planning and design"

On page 26, line 31, strike "23,375,742" and "867,200" and insert "22,539,562" and "31,020"

On page 30, line 27, strike the entire line and insert "building, design and planning 91,642"

On page 30, line 29, delete the comma and insert "and III"

On page 30, line 31, strike the entire line and insert "Building,"

On page 30, strike lines 32 and 33

On page 31, line 2, strike "300,000" and insert "20,278"

On page 31, line 4, strike "10,600,880" and "3,715,000" and insert "6,997,800" and "111,920"

On motion of Senator Durkan, the committee amendment, as amended, was adopted.

On motion of Senator Durkan, the rules were suspended, Substitute House Bill No. 152, 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. 152, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senator Scott—1.

Absent or not voting: Senators Andersen, Francis, McCutcheon, Twigg—4.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 152, 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 Atwood, Substitute Senate Bill No. 926 and Substitute House Bill No. 152, as amended by the Senate, were ordered immediately transmitted to the House.

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

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 892, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 759, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 309, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 992, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 311, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 88 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 553, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendment to HOUSE BILL NO. 429, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 417, and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

## MOTION

At 6:30 p.m., on motion of Senator Greive, the Senate recessed until 7:30 p.m.

## EVENING SESSION

The President called the Senate to order at 7:30 p.m.

## MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE JOINT RESOLUTION NO. 21, and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 17,  
 SUBSTITUTE SENATE BILL NO. 85,  
 SUBSTITUTE SENATE BILL NO. 139,  
 SENATE BILL NO. 144,  
 SECOND SUBSTITUTE SENATE BILL NO. 146,  
 SENATE BILL NO. 170,  
 SENATE BILL NO. 368,  
 SENATE BILL NO. 369,  
 SUBSTITUTE SENATE BILL NO. 441,  
 SUBSTITUTE SENATE BILL NO. 446,  
 SENATE BILL NO. 454,  
 SENATE BILL NO. 465,  
 SENATE BILL NO. 486,  
 SENATE BILL NO. 531,  
 SENATE BILL NO. 559,  
 SENATE BILL NO. 659,  
 SENATE BILL NO. 690,  
 SENATE BILL NO. 691,  
 SENATE BILL NO. 735,  
 SUBSTITUTE SENATE BILL NO. 770,  
 SENATE BILL NO. 884,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 113,  
 HOUSE BILL NO. 225,  
 HOUSE BILL NO. 451,  
 SUBSTITUTE HOUSE BILL NO. 510,  
 HOUSE BILL NO. 659,  
 HOUSE BILL NO. 672,  
 HOUSE BILL NO. 676,  
 HOUSE BILL NO. 686,  
 HOUSE BILL NO. 743,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 457, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 863, and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 200, and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, and has granted said committee the powers of Free Conference.

MALCOLM McBEATH, Chief Clerk.

#### REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, placing a time limit on recalls, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Wilson and Holman; Representatives Brown, Ross and Shinpoeh.

#### MOTION

On motion of Senator Wilson, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

#### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 273, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 273, authorizing for consent for drug and alcohol abuse care by minors, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

An Act relating to narcotic drugs, dangerous drugs, and alcohol; amending section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020; amending section 3, chapter 111,



Laws of 1967 ex. sess. and RCW 71.24.020; amending section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**NEW SECTION.** Section 1. It is the purpose of this 1971 amendatory act to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this 1971 amendatory act to provide for qualified drug treatment centers approved by the department of social and health services.

**NEW SECTION.** Sec. 2. The following words and phrases shall have the following meaning when used in this 1971 amendatory act:

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs as defined in chapter 69.33 RCW or dangerous drugs as defined in chapter 69.40 RCW.

**NEW SECTION.** Sec. 3. Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

(1) The name and address of the applicant drug treatment center;

(2) The name of the director or head of such drug treatment center;

(3) The names of the members of the board of directors or sponsors of such drug treatment center;

(4) The names and addresses of all physicians affiliated with such drug treatment center;

(5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center; and the qualifications of staff to employ such treatment and/or rehabilitation methods.

(6) The source of funds used to finance the activities of such drug treatment center;

(7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

**NEW SECTION.** Sec. 4. The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this 1971 amendatory act and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

**NEW SECTION.** Sec. 5. Pursuant to the provisions of the Interlocal Cooperation Act, chapter 39.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this 1971 amendatory act.

Sec. 6. Section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020 are each amended to read as follows:

As used in this chapter:

(1) ["Director"] "Secretary" shall mean the [director] secretary of the department of [institutions] social and health services or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of this chapter.

(2) "Department" shall mean the department of [institutions] *social and health services*.

(3) "*Mental health needs*", "*mental health programs*" and "*mental health services*" as used in this chapter shall include but not be limited to all those items set forth in section 7 of this 1971 amendatory act.

Sec. 7. Section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The [director] secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

- (1) Outpatient diagnostic and treatment services.
- (2) Inpatient psychiatric services.
- (3) Rehabilitation services for patients with psychiatric illnesses.

(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) *Inpatient or outpatient care, treatment or rehabilitation services of persons using narcotic drugs as defined in chapter 69.33 RCW or dangerous drugs as defined in chapter 69.40 RCW.*

(7) *Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug and alcohol abuse.*

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

**NEW SECTION.** Sec. 8. Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center or person licensed or certified by the state related to conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this 1971 amendatory act, unless they have joined in the consent to such counseling, care, treatment or rehabilitation.

**NEW SECTION.** Sec. 9. When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved pursuant to this 1971 amendatory act, or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this 1971 amendatory act shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding.

Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.

**NEW SECTION.** Sec. 10. Nothing contained in this 1971 amendatory act shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this 1971 amendatory act, so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality is retained.

**NEW SECTION.** Sec. 11. Nothing contained in this 1971 amendatory act shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain confidential information under this 1971 amendatory act, shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of RCW 69.33.380 or 69.40.090, then the information may be referred to other law enforcement officers.

*NEW SECTION.* Sec. 12. There shall be paid to each county on account of expenditures made for community mental health programs defined in section 7 of this 1971 amendatory act not more than fifty percent of the amount expended for such programs, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the secretary to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in section 7 of this 1971 amendatory act, and after consultation with the department of revenue regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed fifty percent of the total expenditures: PROVIDED, That the state share shall be reduced to not more than fifty percent of the total expenditures within two years from the starting date of such new services. Reimbursement shall be made on a monthly basis, upon submission to the secretary of such information as he may require: PROVIDED, FURTHER, That when deemed necessary to maintain proper standards of care in the program, within the discretion of the secretary, the counties shall be required to provide up to fifty percent of the total expended for such program through fees, gifts, contributions, and volunteer services.

Signed by: Senators Day, McDougall and Odegaard; Representatives Conway, Rabel and McDermott.

#### MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed Senate Bill No. 273 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 273, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 4; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Gardner, Greive, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Whetzel, Woodall—37.

Voting nay: Senators Gissberg, Mardesich, Metcalf, Wilson—4.

Absent or not voting: Senators Andersen, Francis, Guess, Henry, Herr, Newschwander, Talley—7.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 273, 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.

#### MOTION

On motion of Senator Greive, the Senate immediately commenced consideration of Engrossed Substitute House Bill No. 283.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, by Committee on Revenue and Taxation:

Providing an act relating to revenue and taxation.

#### REPORT OF STANDING COMMITTEE

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, providing an act relating to revenue and taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause on line 24, strike the remainder of the bill and insert the following:

May 7, 1971.

"Section 1. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1971 first ex. sess. and RCW 84.40.030 are each amended to read as follows:

All property shall be assessed fifty percent of its true and fair value in money. [In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the land shall be valued at such price as such land would sell at a fair, voluntary sale for cash; any improvements thereon shall be separately valued and assessed as hereinabove provided; and any personal property connected therewith shall be listed, valued and assessed separately as other personal property is assessed under general law.]

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

*The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:*

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years, made for cash or adjusted to a cash value by appropriate discounts for sale conditions other than for cash, and less a percentage equal to the average, ordinary and usual direct costs of sale of that type of property, including but not limited to costs of title insurance, legal services, recording fees and taxes levied against such sales that are borne by the seller, and an amount equal to the customary fees payable to a licensed real estate broker for handling such a sale, such percentage to be determined by studies conducted by the department of revenue. Similar sales, for the purpose of this subsection, shall be sales of property in the same general or comparable area that are devoted to or to be devoted to the same use as the majority of the property in the area or the property being valued, whichever value is greater. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction costs less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded: PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years.

(2) Notwithstanding the the provisions of (1) (a), (b) and (c) above, whenever any person has a parcel of real property, said parcel to be determined by including all contiguous real property in the same ownership, the value of which he believes to be less than one hundred thousand dollars, he may establish the value of such property for taxation purposes by unconditionally offering such property for sale for cash through a licensed real estate broker for a period of at least ninety days at ten percent over his own stated value: PROVIDED, That this shall not be his only or sole defense against overvaluation. The ninety day period shall commence to run following publication by the broker of the first advertisement of the offer including the location of the property, which advertisement shall appear in a newspaper of general circulation in the county where the property is situated and at least once each week for four successive weeks. A person electing to proceed under provisions of this subsection shall file a notice of such intent with the assessor prior to July 15 and proof of the sale offering on or before October 15.

**NEW SECTION.** Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW, a new section to read as follows:

(1) Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation, it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

(2) In any administrative or judicial proceeding pending upon the effective date of this 1971 amendatory act or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section. In the event any final court decision holds any action of a county in valuing real property to have been performed illegally or unconstitutionally, the county assessor shall notify all property owners within that county whose property valuation may be affected by the court's decision. The notification required by this section may be by publication in a newspaper of general circulation in the county.

Sec. 3. Section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of *five percent per annum on not more than five hundred dollars of delinquent taxes on real property for a single year in any county shall be charged and interest at the rate of ten percent per annum shall be charged upon the balance of such unpaid taxes and upon unpaid personal property taxes from the date of delinquency until paid*: PROVIDED, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of *five percent per annum on not more than five hundred dollars of delinquent taxes for a single year in any county shall be charged and interest at the rate of ten percent per annum shall be charged upon the balance of said remainder from the date of delinquency until paid*: PROVIDED, FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of ten percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

**NEW SECTION.** Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in 1972 and subsequent years as the result of the levy of additional taxes in excess of regular property tax levies as that term is defined in section 13 of this 1971 amendatory act, as now or hereafter amended, and/or from such regular property tax levies in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability.

(4) No person who, during the preceding calendar year, has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding

calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403 as in effect on the effective date of this 1971 amendatory act: PROVIDED, That the earnings of any occupant living with and paying rent to the person claiming exemption shall not be included in the determination of the eligibility of such person for the exemption.

(5) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
\$4,000 or less	One hundred percent
\$4,001 — \$6,000	Fifty percent

PROVIDED, HOWEVER, That, solely with respect to a person within the income range of \$4,000 or less, in the event that taxes due and payable include no excess levies or include excess levies less than \$50.00, the amount of the exemption shall be \$50.00 and the difference shall be attributed pro rata to regular property tax levies of each of the taxing districts.

This section shall be effective as to claims made in 1971 and subsequent years with respect to taxes due and payable in 1972 and subsequent years.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

For the purposes of section 4 of this 1971 amendatory act:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which the dwelling stands not to exceed one acre. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before a notary public or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption under section 4 of this 1971 amendatory act shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue: PROVIDED, That for 1971 such claims shall be filed between January 2 and August 1.

The department is hereby directed to publicize the qualifications and manner of making claims pursuant to sections 4 and 5, through communications media, including such paid advertisements or notices as it deems appropriate.

Sec. 6. Section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030 are each amended to read as follows:

[Each county assessor shall commence, immediately if possible, but no later than January 1, 1956, a comprehensive program of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1958.] Each county assessor shall [thereafter] maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years. [A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1956.]

Sec. 7. Section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040 are each amended to read as follows:

Each county assessor shall cause real property being valued to be physically inspected [and shall require such examination as will] *at least once every four years in order to provide adequate data from which to make accurate valuations.* [Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirements of this chapter.] *During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data: PROVIDED, That such adjustments shall not be made with respect to property revalued in 1970 for taxes payable in 1971, when such property was revalued in accordance with a cyclical revaluation program approved by the department of revenue except such adjustments may be made to reduce values of such revalued property to reflect decreased true and fair value or to reflect the use of the criteria for valuation provided in this 1971 amendatory act: PROVIDED FURTHER, That such adjustments may be made with respect to such revalued property in a county without restriction after all the property within the county has been revalued in accordance with such cyclical revaluation program.*

*The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of property.*

**NEW SECTION.** Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The board of equalization shall reconvene on the first Monday of August for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property, based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued pursuant to a cyclical revaluation program approved by the department of revenue to the true and fair value of such property (hereinafter referred to as the "revaluation ratio"). If, pursuant to the cyclical revaluation program, land alone or improvements alone have been revalued for any assessment year, the revaluation ratio shall be for land alone, or improvements alone, as appropriate, or such combination thereof as is appropriate. The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio, as determined by the board, exceeds one hundred and ten percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of section 7 of this 1971 amendatory act, to reduce by a uniform percentage the true and fair values of land, improvements, or both as appropriate, within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. The board shall also order the assessor to make appropriate similar adjustments to properties valued in the same year. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable.

Sec. 9. Section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080 are each amended to read as follows:

[The members of the tax commission shall constitute the state board of equalization; the chairman of the tax commission shall be the president of the board, and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed thirty days; it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the first day of August, Saturdays, Sundays and holidays excepted, at the office of the tax commission, and] *Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the [tax commission] department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.*

First. [They] *The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal [and uniform], so far as possible, to the true and fair value of such class as of January 1st of the current year [in every part of the state,] for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.*

Second. The [secretary] *department shall keep a full record of [the] its proceedings [of the board,] and the same shall be published annually by the [state tax commission] department.*

Third. [They] *The department shall have authority to adopt [the] rules and regulations [for the government of the board, and] to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by [said board] the department.*

The [state board of equalization] *department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful millage on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the [board] department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the [board] department.*

[Within three days] *After the completion of the duties hereinabove prescribed, the [president and secretary of the board] director of the department shall certify the record of the proceedings of the [board] department under this section the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.*

**NEW SECTION.** Sec. 10. The indicated county ratios determined by the department of revenue for 1970, as adjusted for the purposes of reflecting compliance with chapter 84.41 RCW, are hereby adopted, confirmed, and approved.

**NEW SECTION.** Sec. 11. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The county commissioners or governing board of any county may designate one or more persons to act as a property tax advisor to any person liable for payment of property taxes in the county. A person designated as a property tax advisor shall not be an employee of the assessor's office or have been associated in any way with the determination of any valuation of property for taxation purposes that may be the subject of an appeal. A person designated as a property tax advisor may be compensated on a fee basis or as an employee by the county from any funds available to the county for use in property evaluation including funds available from the state for use in the property tax revaluation program.

The property tax advisor shall perform such duties as may be set forth by resolution of the county commissioners or other governing authority.

If any board of county commissioners elect to designate a property tax advisor, they shall publicize the services available.

**NEW SECTION.** Sec. 12. The amendment or repeal of any statutes by this 1971 amendatory act shall not be construed as invalidating, abating or otherwise affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes amended or repealed. Such amendment or repeals shall not affect the right of any person to make a claim for exemption during the calendar year 1971 pursuant to RCW 84.36.128.

**NEW SECTION.** Sec. 13. There is added to chapter 15, Laws of 1961 and to chapter 84.04 RCW a new section to read as follows:

The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district.

Sec. 14. Section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess., and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county legislative authority of any county, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person

exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.128 [; PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been paid]; or

(8) [Overpaid] Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same [; PROVIDED, That a claim for such refund is made on or before October 30 of the year for which the taxes have been overpaid] or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (9).

**NEW SECTION.** Sec. 15. Each county treasurer shall report annually on January 15, to the department of revenue, the legislative budget committee and to the press the amount of the property tax revenue for the previous year, the current year and the proposed budget for the ensuing years for each unit of local government within their county. Said report shall indicate the number of dollars available to the unit of local government, the source of such funds, and the percentage of increase or decrease over previous year. School districts reports shall indicate the total dollars received from both state support and local property tax revenues.

Sec. 16. Section 10, chapter 146, Laws of 1967 ex. sess. and RCW 84.40.045 are each amended to read as follows:

On or before June 15 of each year the assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer [and a copy thereof shall be sent by the assessor to the legal owner of the property, if such is different from the taxpayer and the name and address are known to the assessor].



A legal owner may submit his or its name and address to the assessor, indicating therewith the property owned by the legal owner and requesting that a copy of the notice be mailed to the legal owner).

*If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a civil penalty of five dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of April.*

Sec. 17. Section 1, chapter 27, Laws of 1971 first ex. sess. is amended to read as follows:

Any person [assessing] *having the responsibility of valuing* real property for purposes of taxation [and] *including* persons acting as assistants or deputies to a county assessor under RCW 36.21.011 as now or hereafter amended, shall have first:

(1) Graduated from an accredited high school or passed a high school equivalency examination;

(2) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;

(3) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; and

(4) Become knowledgeable in the standards for appraising property set forth by the department of revenue.

The department of personnel shall prepare with the advice of the department of revenue and administer an examination on the subjects of subsections (3) and (4), and no person shall assess real property for purposes of taxation without having passed said examination. A person passing said examination shall be certified accordingly by the director of the department of personnel: PROVIDED, HOWEVER, That this section shall not apply to any person who prior to the effective date of this act shall have either:

(1) Been certified as a real property appraiser by the department of personnel.

(2) *Attended and satisfactorily completed the assessor's school operated jointly by the department of revenue and the Washington state assessors association: PROVIDED FURTHER, That the department of revenue shall be required to report to the 1973 legislature as to the extent of compliance to the provision of this section by each county within this state.*

**NEW SECTION.** Sec. 18. There is hereby created a permanent property tax committee for the purpose of making a thorough examination of the property tax and its administration.

This committee shall consist of eight members: Four senators, two from each political party, to be appointed by the president of the senate and four representatives, two from each political party, to be appointed by the speaker of the house of representatives.

Members shall be appointed on or before June 30, 1971, in the odd-numbered years to serve two year terms. Membership shall not be dependent upon continuation in office.

The initial meeting of the committee shall be held within sixty days of appointment, and shall be called by the chairman of the senate revenue and taxation committee, who shall act as temporary chairman. At such first meeting the committee shall elect a chairman and a vice-chairman. The chairman shall appoint a secretary and such other staff as the members of the committee deem necessary.

Members of the committee shall receive allowance while attending meetings of the committee or while engaged in other committee business in the amount provided in RCW 44.04.120 as now or hereafter amended. All expenses incurred by the committee or the members thereof shall be paid on voucher forms signed by the chairman of the committee. Vouchers should be drawn on funds appropriated generally by the legislature or on any special appropriation which may be provided by the legislature for the expenses of the committee.

The committee is authorized to appoint such citizen subcommittees as it deems appropriate. The members of the subcommittees shall receive no compensation but shall receive per diem in an amount not to exceed twenty-five dollars per day while attending to the business of the commission and their necessary travel expenses. Payment of per diem and expenses shall be made upon vouchers approved by the chairman of the committee.

The committee may select and retain such consultants and research organizations as necessary to assist the committee in any of its functions.

Duties and responsibilities of the committee shall include, without limitation, the following:

(1) A continuing study and analysis of the present and alternative systems of taxation of property within the state of Washington.

(2) An investigation of the impact of property taxation on individuals, business and types of property.

(3) A continuing review of the provisions of this 1971 amendatory act and the implementation thereof to determine the need for any revision.

(4) An evaluation of the present administrative-judicial appeal procedure in order to determine whether taxpayers have ready and inexpensive access to effective legal remedies.

(5) A continuation of studies regarding property tax exemptions and the tax loss sustained by local communities by reason of such exemptions.

(6) An examination of the organization and operation of all taxing districts, and the administration of the property tax.

(7) An analysis of the methods of determining county ratios.

(8) An exploration of the feasibility of deferral of property taxes for senior citizens, comparing methods and effects of such program as used in other states.

(9) A review of the effect of the present property tax system of taxation of farms and farm lands, including the study of an alternative tax based upon the income derived from the use of farm lands.

(10) Any other matters referred to the committee by the legislature.

The committee shall report its findings and recommendations to the 1973 session of the legislature by the second Monday of January, 1973, and to each session of the legislature thereafter at the same time.

**NEW SECTION. Sec. 19.** Except as provided in sections 20 through 23 of this 1971 amendatory act, the levy in 1973 and years subsequent thereto for a taxing district other than the state or a school district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year.

**NEW SECTION. Sec. 20.** Notwithstanding the limitation set forth in section 19 of this act, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

**NEW SECTION. Sec. 21.** For the first levy for a taxing district following annexation of additional property, the limitation set forth in section 19 of this 1971 amendatory act shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the millage rate that would have been used by the annexing unit in the absence of such annexation, plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy rate of that annexing taxing district for the preceding year.

**NEW SECTION. Sec. 22.** If by reason of the operation of RCW 84.52.050, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this 1971 amendatory act shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year.

**NEW SECTION. Sec. 23.** Subject to any otherwise applicable statutory millage limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in Sections 19 through 22 of this 1971 amendatory act if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the millage rate proposed. After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this 1971 amendatory act.

**NEW SECTION. Sec. 24.** Sections 19 through 23 are added to chapter 15, Laws of 1961 and to Title 84 RCW, and shall constitute a new chapter therein.

Sec. 25. Section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or

the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, or sections 19 through 23 of this 1971 amendatory act, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: PROVIDED FURTHER, That the total number of persons voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district.

**NEW SECTION. Sec. 26.** The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, Laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010;
- (2) Section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; and
- (3) Section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129.

**NEW SECTION. Sec. 27.** If any provision of this 1971 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 circumstance is not affected.

**NEW SECTION. Sec. 28.** This 1971 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."

In line 1 of the title beginning with "amending" after "taxation;" strike everything down to and including the period after "emergency" in line 23 and insert: "amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1971 first ex. sess. and RCW 84.40.030; amending section 10, chapter 146, Laws of 1967 ex. sess. and RCW 84.40.045; amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030; amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040; amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080; amending section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052; amending section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020; amending section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess., and RCW 84.69.020; amending section 1, chapter 27, Laws of 1971 first ex. sess.; adding a new section to chapter 15, Laws of 1961 and to chapter 84.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.48 RCW; creating new sections; repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129; repealing section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, Laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010; and declaring an emergency."

Signed by: Senators Durkan, Chairman; Bailey, Connor, Day, Donohue, Dore, Francis, Greive, Guess, Herr, Holman, Jolly, Lewis, Mardesich, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Walgren.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Durkan, the following amendment to the committee amendment was adopted:

On page 19, following section 18, of the Senate committee amendment, insert a new section to read as follows:

**“NEW SECTION. Sec. 19. There is hereby appropriated the sum of \$50,000, or so much thereof as may be necessary to accomplish the duties and functions imposed upon the permanent property tax committee by section 18 of this act.”**

Renumber the succeeding sections.

The motion by Senator Donohue carried and the committee amendment, as amended, was adopted.

Senator Donohue moved adoption of the committee amendment to the title.

On motion of Senator Durkan, the following amendment to the committee amendment to the title was adopted:

On page 24, line 30 of the Senate committee amendment, amend the title as follows: On line 30, following “84.54.010;” insert “making an appropriation;”

The motion by Senator Donohue carried and the committee amendment to the title, as amended, was adopted.

On motion of Senator Durkan, the rules were suspended, Engrossed Substitute House Bill No. 283, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 283, 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 Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—46.

Absent or not voting: Senators Andersen, Newschwander—2.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 283, 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 Holman, Engrossed Substitute House Bill No. 283, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Greive, the Senate returned to the second order of business.

### REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 735, revising the workmen's compensation law, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Stortini, McDougall and Greive; Representatives Hubbard, Morrison and Grant.

### MOTION

On motion of Senator Bailey, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

## REPORT OF FREE CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 291, relating to gambling, have had the same under consideration, and we recommend that Engrossed House Bill No. 291 be amended as follows:

On page 3, section 2, line 20, after "insurance" and before the period insert "nor does it include drawings conducted by business enterprises in connection with business promotions, where there is no charge to enter the drawing or any other charges directly or indirectly related thereto, and it is not necessary to make any purchase to enter the contest and it is not necessary to be present at the drawing to win any of the prizes: PROVIDED, That no sponsoring business firm may conduct more than one such drawing during each calendar year and that the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the first grand opening of any such outlet"

On page 7, line 27, after "such game" strike all matter down to and including "subsection." on line 32 and insert "or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW."

On page 16, section 13, line 25, insert as section 13:

"NEW SECTION. Sec. 13. It shall be lawful to conduct or to participate in any amusement game at any agricultural fair as the same are defined in section 2 of this act and the conduct of or participation in any such amusement game shall not: (1) Be deemed gambling for the purposes of any of the provisions of chapter 9.47 RCW; (2) be deemed a lottery for the purposes of any of the provisions of chapter 9.59 RCW or under Article 2, section 24 of the state Constitution; and (3) be deemed committing or maintaining a public nuisance under any law of this state, nor shall a place where any amusement game as defined in this act be conducted be deemed a public nuisance for the purposes of RCW 9.66.010."

Renumber section 13 as section 14, and renumber the remaining sections consecutively. Change all internal section references in the bill accordingly.

On page 12, section 8, beginning on line 22 after "sheriff" insert "of the county, or legal counsel,"

On page 12, section 8, beginning on line 22 after "police of" strike "the county or city" and insert "any city or town"

On page 13, section 10, line 17, after "prosecuting attorney," insert "or legal counsel of any city or town wherein a violation of this 1971 amendatory act occurs."

On page 15, section 11, beginning on line 1 after "licensing" strike everything down to and including "or city" on line 8

On page 16, section 13, beginning on line 29 after "is located" strike everything down to and including "or city" on page 17, line 2

On page 21, following section 22 of the printed bill, add a new section as follows and renumber the remaining section consecutively:

"NEW SECTION. Sec. 23. Notwithstanding any other provision of this 1972 amendatory act, no county, city, or town, shall prohibit any activity provided for in this 1971 amendatory act, unless such county, city or town has in effect an ordinance(s) which shall have been approved by a majority of the members of the legislative authority of such county, city or town, relative to such named activity and prohibiting the same."

On page 16, section 12, line 17, after "of skill" and before "in" insert " , each game having a monetary limit of one dollar on each wager by a participant therein,"

On page 18, section 17, line 33, before "be" strike "Shall" and insert "As to subsections (1), (2) or (3), shall"

On page 19, line 2, after "both" insert " , and as to subsection (4), shall be guilty of a gross misdemeanor"

On page 22, following line 1, add a new section as follows:

"NEW SECTION. Sec. 26. This 1971 amendatory act shall automatically expire, and thereafter be of no force and effect, including the repealer section herein, section 22 of this 1971 amendatory act, if Senate Joint Resolution No. 5 of the 1971 regular session of the legislature is not approved by the people of the state of Washington. Upon the expiration of this act as aforesaid RCW 9.47.010, 9.47.020, 9.47.030, 9.47.040, 9.47.050, 9.47.060, 9.47.070, 9.47.110, 9.47.130, and 9.47.140 shall be of full force and effect."

In line 22 of the title after "9.47.140:" strike everything down to and including "the people;" on line 24

Signed by: Senators Keefe, Walgren and Huntley; Representatives Kuehnle, Bagnariol and Gilleland.

## MOTION

Senator Walgren moved the report of the Free Conference Committee on Engrossed House Bill No. 291 be adopted.

## POINT OF INQUIRY

Senator Woodall: "Mr. President, would Senator Walgren yield? Senator, have you examined the bill that passed the House relative to annual elections? Would it bar a referendum?"

Senator Walgren: "Senator Woodall, to answer your first question, the answer is no."

Senator Woodall: "My point again is that if it would be possible to go the referendum route as suggested by Senator Mardesich, do you not think that would be worthy of exploring rather than having this particular matter at the mercy of the 'item veto' where you pick words out and end up with a different kind of a bill?"

Senator Walgren: "Senator Woodall, I have always thought that that was a matter that was worth exploring, yes."

Senator Woodall: "May I ask, Senator Walgren, have you seen the version of the bill as passed by the House?"

Senator Walgren: "No."

## POINT OF INQUIRY

Senator Woodall: "Would Senator Mardesich care to answer that question?"

Senator Mardesich: "Senator Woodall, I have here before me that measure and it does allow for annual elections with respect to constitutional amendments, initiatives, referendum and everything. But it says 'Those sections of this act that apply to questions referred to the people shall not be effective until January 1, 1973.' So it could have no effect with respect to this question."

Senator Woodall: "So the idea is then we either take the bill in this form and leave it to the tender mercies of the executive or we take no bill. Is that the position we are in?"

Senator Mardesich: "I do not know as I would put it quite that way, the tender mercies of the executive."

Senator Woodall: "You would move to strike the word 'tender'?"

Debate ensued.

The motion by Senator Walgren carried and the Free Conference Committee report on Engrossed House Bill No. 291 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 291, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent or not voting, 2; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Wilson—33.

Voting nay: Senators Dore, Durkan, Guess, Holman, Huntley, Metcalf, Murray, Peterson (Ted), Scott, Washington, Whetzel, Woodall—12.

Absent or not voting: Senators Andersen, Foley—1.

Excused: Senators Newschwander, Stender—2.

ENGROSSED HOUSE BILL NO. 291, 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 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on SENATE JOINT RESOLUTION NO. 38, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE JOINT RESOLUTION NO. 38, amending the state Constitution making it permissive for the

legislature to set the salaries of county officers, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference.

Signed by: Senators Jolly, Whetzel and Bailey; Representatives Jones, Smythe and Thompson.

### MOTION

On motion of Senator Atwood, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

### REPORT OF FREE CONFERENCE COMMITTEE

May 9, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, providing for the taxation of mobile homes, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that the substitute bill do pass.

An Act relating to the regulation of mobile homes, travel trailers, and campers; amending section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100; amending section 57, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; adding a new section to chapter 46.01 RCW; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.70 RCW; prescribing penalties; and providing effective dates.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 57, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111 are each amended to read as follows:

Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to RCW 46.16.115 the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: PROVIDED, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That where the trailer is a *utility trailer*, travel trailer, horse trailer, or boat trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That the weight of any camper as defined in this 1971 amendatory act shall be exempt from the determination of gross weight in the computation of any tonnage fees required under RCW 46.16.070.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat.

NEW SECTION. Sec. 2. There is added to chapter 46.04 RCW a new section to read as follows:

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in section 3 of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 46.04 RCW a new section to read as follows:

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width, except as hereinafter specifically excluded, and excluding modular homes.

*NEW SECTION.* Sec. 5. There is added to chapter 46.04 RCW a new section to read as follows:

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

*NEW SECTION.* Sec. 6. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in section 2 of this 1971 amendatory act. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

*NEW SECTION.* Sec. 7. There is added to chapter 46.16 RCW a new section 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.

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) The weight of such camper which shall be the shipping weight thereof as given by the manufacturer thereof;
- (4) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee 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. 8. Section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130 are each amended to read as follows:

The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates *and mobile home identification tags* and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles *and the issuance of mobile home identification tags*; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles *and the issuance of mobile home identification tags*.

Sec. 9. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates *and the issuance of mobile home identification tags* under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates *and to issue mobile home identification tags, collect fees therefor, and receive the payment of property taxes on mobile homes*.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration [or], the right to operate any vehicle upon the public highways of this state, *or the issuance of mobile home identification tags*, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 10. Section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That for



each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: PROVIDED FURTHER, That [no] a special permit or one-transit permit shall be issued for movement of a [house trailer as defined in chapter 82.50 RCW unless the applicant therefor has a stamp issued thereunder] *mobile home as defined in section 4 of this 1971 amendatory act pursuant to section 21 of this 1971 amendatory act.*

Sec. 11. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses and *mobile home identification tags* under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle basic license fee as provided for in RCW 46.16.060 and each *mobile home identification tag fee as provided for in section 16 of this 1971 amendatory act*, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

*NEW SECTION.* Sec. 12. There is added to chapter 46.01 RCW a new section to read as follows:

In addition to all other powers and duties, the director of motor vehicles shall design and adopt an identification tag to be used by mobile home owners in lieu of the vehicle license and vehicle license number plate requirements of this state. The director shall have the power to adopt such rules and regulations pertaining to mobile homes as the director deems necessary.

*NEW SECTION.* Sec. 13. There is added to chapter 46.12 RCW a new section to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

*NEW SECTION.* Sec. 14. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

*NEW SECTION.* Sec. 15. There is added to chapter 46.16 RCW a new section to read as follows:

Vehicle licenses and vehicle license number plates shall not be required for mobile homes and need not be displayed thereon. In lieu of vehicle licenses and vehicle license number plates, the director or his agents, including county auditors, shall issue mobile home identification tags for each calendar year. Such tags shall be issued beginning on the first day of the current licensing period or on the date the mobile home is first purchased or brought into this state and shall be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding motor vehicle licensing period or from the thirtieth day after the mobile home is first purchased or brought into this state whichever date is the latest.

The mobile home identification tag shall be displayed in a conspicuous manner on the mobile home identified by such tag. It shall be unlawful to display on any mobile home, mobile home identification tags other than those furnished by the director or his agents, including county auditors, for such mobile home or to display upon any mobile home any mobile home identification tag which has been in any manner changed, altered, disfigured, or has become illegible.

The director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of mobile home identification tag whereby the same shall be used as long as legible on the mobile home for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the mobile home to signify renewals, in which event the term "mobile home identification tag" as used in any enactment shall be deemed to include in addition to such tag, the tab or emblem signifying renewal except when such tag contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

*NEW SECTION.* Sec. 16. There is added to chapter 46.16 RCW a new section to read as follows:

Application for original mobile home identification tag shall be made on a form designed and furnished for the purpose by the director. Such application shall be made by the owner of the mobile home or his duly authorized agent over the signature of such owner or agent and he shall certify that the statements therein are true to the best of his knowledge.

There shall be paid for the issuance of the mobile home identification tag a fee of nine

dollars and forty cents which shall be collected by the director or his agents, including county auditors, one-half of which shall be credited to the payment of property taxes due, if any, on such mobile home at that time.

Annually the director shall include the applicable assessed valuation of a mobile home on the application form for a mobile home identification tag together with a notation of the mobile home identification tag fee which shall be transmitted to the county treasurer. The county treasurer shall multiply the applicable assessed valuation by the total applicable millage and determine the property taxes due and payable. The county treasurer shall mail the completed application form showing the property taxes due and payable and the identification tag fee due to the applicant. After payment or legal provision for payment is made, the director or his agents, including county auditors, shall issue the mobile home identification tag and a receipt showing that the fee therefor has been paid and also shall issue a receipt for the property taxes paid.

When the applicant makes an original application for a mobile home identification tag after the close of the thirty-five day registration period as set forth in section 15 of this 1971 amendatory act, the county treasurer shall prorate the amount of property tax for the following year's collection on a monthly basis.

**NEW SECTION.** Sec. 17. There is added to chapter 46.16 RCW a new section to read as follows:

Upon receipt by agents of the director, including county auditors, of original applications for mobile home identification tags accompanied by the proper fees and taxes as provided for in section 16 of this 1971 amendatory act, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the identification tag fees, to the director.

**NEW SECTION.** Sec. 18. There is added to chapter 46.16 RCW a new section to read as follows:

(1) Upon receipt of the application and identification tag fee for an original mobile home identification tag, the director shall make a recheck of the application and in the event there is 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 mobile home identification tag shall be made to the director or his agents, including county auditors, by the owner of a mobile home on a form prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director unless the applicant submits a preprinted application mailed from Olympia and the payment of fees and taxes as may be required by law. Such application shall be handled in the same manner and the fees and taxes transmitted 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 on it the name of the lienholder, if any, of the mobile home concerned.

(3) Persons expecting to be out of the state during the period from January first through February first may, not earlier than December first but prior to January first, secure renewal of a mobile home identification tag and have such tag preissued by making application to the director or his agents, including county auditors, upon forms prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director and be accompanied by the payment of such fees as may be required by law 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 property tax as may be required by law.

**NEW SECTION.** Sec. 19. There is added to chapter 46.16 RCW a new section to read as follows:

After receipt of payment of property taxes under the provisions of this 1971 amendatory act, the director or his agents, including county auditors, shall transmit such taxes to the county treasurer who shall receive and collect such taxes as required of county treasurers under the provisions of Title 84 RCW.

**NEW SECTION.** Sec. 20. The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in section 21 of this 1971 amendatory act and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where such mobile home will be located: PROVIDED, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

**NEW SECTION.** Sec. 21. When any mobile home, as defined in section 4 of this 1971 amendatory act, except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director

of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund.

**NEW SECTION. Sec. 22.** Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by section 21 of this 1971 amendatory act shall be guilty of a misdemeanor: PROVIDED, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home.

**NEW SECTION. Sec. 23.** There is added to chapter 46.70 RCW a new section to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

**NEW SECTION. Sec. 24.** (1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 22 of this 1971 amendatory act shall take effect on January 1, 1973.

Signed by: Senators Foley, Whetzel and Bailey; Representatives Haussler, Newhouse and Wolf.

#### MOTION

On motion of Senator Atwood, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 69 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 69, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent or not voting, 1; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-46.

Voting nay: Senator Talley-1.

Absent or not voting: Senator Andersen-1.

Excused: Senator Stender-1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 69, 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.

#### MOTION

On motion of Senator Greive, the Senate immediately commenced consideration of Senate Bill No. 371.

#### SECOND READING

SENATE BILL NO. 371, by Senators Greive, Stortini, Connor, Stender, Peterson (Ted), Francis, Dore, Cooney, Ridder, Keefe, Mardesich, Bailey and Walgren:

Enacting a "Washington State Labor Relations Act."

#### POINT OF INQUIRY

Senator Durkan: "Mr. President, would Senator Matson yield? Senator, before you begin, would you please tell us, so that we will be able to absorb it, who was in on the discussion and specifically if you could, the names. And I would like to know who represented the Mexican-Americans on the discussion."

Senator Matson: "Senator Durkan, we have not discussed this matter with the, as you say, Mexican-Americans today. However, we have several times in the past. I cannot say that these matters they are in agreement with and I cannot say that they are in disagreement. I assume they are in disagreement with some and perhaps in agreement with others. Our final negotiations today were with Mr. Sam Kinville and Joe Davis of the Washington State Labor Council and Dave Stipek of the Teamsters."

#### POINT OF INQUIRY

Senator Fleming: "Mr. President, would Senator Matson yield? Senator, I was off the floor when you started your comments and you were indicating the individuals that were in on this agreement and the names that I caught were a couple of Representatives, yourself, Dave Stipek and Joe Davis. At any time during these conversations that you were holding to come up with this compromise, was anybody there from the majority of the people that are going to be affected by this, namely the farm workers? Were they at any time involved in this compromise?"

Senator Matson: "As I explained, Senator Fleming, before you came on the floor, we have talked to them in the past. We have not talked to them today."

Debate ensued.

#### POINT OF INQUIRY

Senator Greive: "There is one question that has been asked by a number of Senators here, Senator Washington in particular, and I would like Senator Matson to yield if he would, please. Senator, I know the answer but I want to hear it from you.

"Is there anything here about a no strike provision as far as this bill?"

Senator Matson: "As you know, Senator Greive, representatives of agriculture were very desirous to have an arbitration procedure in lieu of strike. We have stricken that section out of the bill entirely."

#### MOTIONS

On motion of Senator Bailey, Senate Bill No. 371 was made a special order of business immediately following caucus.

On motion of Senator Gissberg, the Senate immediately commenced consideration of Engrossed House Bill No. 865.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 865, by Representative Bluechel:

Relating to the operation and administration of state government.

The bill was read the second time by sections.

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

On page 2, section 2, line 14 of the engrossed bill, after "follows:" strike "two senators of different political parties" and insert "four senators equally divided as to political parties"

On page 2, section 2, line 15, after "senate:" strike "two representatives of different political parties" and insert "four representatives equally divided as to political parties"

On motion of Senator Gissberg, the rules were suspended, Engrossed House Bill No. 865, 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. 865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Clarke, Connor, Cooney, Day, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel—36.

Voting nay: Senators Atwood, Canfield, Donohue, Jolly, Newschwander, Odegaard, Talley, Twigg, Wilson, Woodall—10.

Absent or not voting: Senators Andersen, Lewis—2.  
Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 865, 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.

ENGROSSED HOUSE BILL NO. 372, by Representatives Brown, Copeland, Conner, Grant, Blair and Chatalas (by Secretary of State request):  
Revising election laws relating to registration records.

#### REPORT OF STANDING COMMITTEE

April 14, 1971.

ENGROSSED HOUSE BILL NO. 372, revising election laws relating to registration records (reported by Committee on Constitution, Elections and Legislative Processes):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, section 4, line 33 of the engrossed bill being the House Committee amendment to page 4, section 4, line 32, after "appoint" and before "and" on line 1, page 5, strike "at least two deputy registrars for each five contiguous precincts, one from each major political party," and insert "a deputy registrar for each precinct or for any number of precincts"

On page 5, section 4, line 4 of the engrossed bill being page 5; section 4, line 2, of the printed bill, following the period, strike all the material to and including "registrars." on line 11

Signed by: Senators McCutcheon, Chairman; Wilson, Vice Chairman; Cooney, Dore, Greive, Keefe, Mardesich, Woodall.

The bill was read the second time by sections.

On motion of Senator Woodall, the committee amendment to page 4 was adopted.

On motion of Senator Wilson, the committee amendment to page 5 was adopted.

On motion of Senator Wilson, the rules were suspended, Engrossed House Bill No. 372, 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. 372, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent or not voting, 3; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Elicker, Foley, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Matson, Metcalf, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Scott, Talley, Twigg, Washington, Woodall—33.

Voting nay: Senators Donohue, Dore, Durkan, Fleming, Francis, Gardner, Lewis, Sandison, Stortini, Walgren, Whetzel, Wilson—12.

Absent or not voting: Senators Andersen, Mardesich, Murray—3.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 372, 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 Ridder moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 372, as amended by the Senate, passed the Senate.

#### MOTION

At 9:15 p.m., on motion of Senator Bailey, the Senate recessed until 9:55 p.m.

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

### REPORT OF STANDING COMMITTEE

May 6, 1971.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 39, providing for advisory committee to study alternative statutory optional model county charters (reported by Committee on Cities, Towns and Counties):

MAJORITY recommendation: Do pass.

Signed by: Senators Connor, Chairman; Stortini, Vice Chairman; Dore, Fleming, McDougall, Peterson (Ted), Ridder, Talley, Walgren, Wilson.

Passed to Committee on Rules and Joint Rules for second reading.

### SECOND EVENING SESSION

The President called the Senate to order at 9:55 p.m.

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

### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on HOUSE BILL NO. 313, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 313, providing for changes in the law relating to county hospitals and infirmaries, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

An Act relating to the public health; authorizing the creation of tuberculosis and respiratory disease hospital districts; implementing the law relating to county hospitals and infirmaries; amending section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270; amending section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010; amending section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050; amending section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060; amending section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090; adding a new section to chapter 36.62 RCW; creating new sections; repealing section 36.62.280, chapter 4, Laws of 1963 and RCW 36.62.280; providing for the levy of certain taxes; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252 are each amended to read as follows:

Every county which maintains a county hospital or infirmary shall establish a "county hospital fund" into which fund shall be deposited all moneys received from any source for hospital or infirmary services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. Obligations incurred from such hospitalization and infirmary care shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners a monthly report of receipts and disbursements in the county hospital fund which report shall also show the balance of cash on hand.

Sec. 2. Section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270 are each amended to read as follows:

In the event that additional funds are needed for the operation of a county hospital or infirmary, the board of county commissioners shall have authority to adopt a supplemental budget. Such supplemental budget shall set forth the amount and sources of funds and the items of expenditure involved. In the adoption of a supplemental budget the board of county commissioners shall follow the same procedure as required under the provisions of RCW 36.40.180.

NEW SECTION. Sec. 3. There is added to chapter 36.62 RCW a new section to read as follows:

Payments from the state department of social and health services shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1969-1971 state fiscal biennium, each county which received an advance for an infirmary from the department of social and health services for that state fiscal biennium shall return the amount of such advance by county warrant of treasurer's check to the department. At the beginning of the 1971-1973 state fiscal biennium and conditioned upon recovery of the advances made for the previous biennium, the state department of social and health services shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in a county infirmary for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium. No advance shall be made for a county hospital.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months' cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual costs of operation, provided they are essential and necessary to the operation of the infirmary and have been included in the biennial appropriation, shall be made monthly by the state department of social and health services to the counties.

*NEW SECTION.* Sec. 4. Section 36.62.280, chapter 4, Laws of 1963, and RCW 36.62.280 are each repealed.

*NEW SECTION.* Sec. 5. The purpose of sections 5 through 14 of this 1971 amendatory act is to authorize and establish a tuberculosis and respiratory disease hospital district in the state to operate a hospital and supply hospital service for the residents of such district and such others as the district shall deem necessary.

*NEW SECTION.* Sec. 6. There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Eastern district, consisting of the following named counties: Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille; the headquarters county of such district shall be Spokane county. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

*NEW SECTION.* Sec. 7. The Eastern tuberculosis and respiratory disease hospital district in this state shall be governed by a commission consisting of five members, three of whom shall be members of the legislative authority of the headquarters county to be chosen by and to serve at the pleasure of such legislative authority and two of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district. If such advisory committee shall fail to fill a vacancy within two weeks, the governor shall fill such vacancy and so notify the commission. Initial members of the commission shall be elected or appointed within ten days of the effective date of sections 5 through 14 of this 1971 amendatory act. Such advisory committee shall counsel the commission with respect to commission powers and duties under sections 5 through 14 of this 1971 amendatory act. Failure of any member to continue in public office shall result in a commission vacancy which shall be filled as in the case of original appointment or election.

*NEW SECTION.* Sec. 8. The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis and respiratory diseases. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis and respiratory control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

*NEW SECTION.* Sec. 9. The district commission shall have authority:

(1) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said commission shall have the power to contract with other communities, corporations or individuals for the services provided by said district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have priority to the available facilities of said hospitals, at rates set by the district commissioners.

(2) To enter into any contract with the United States government, or any state or municipality for carrying out any of the powers authorized in sections 5 through 14 of this 1971 amendatory act;

(3) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the district shall be brought in the headquarters county of the district; and

(4) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all those things necessary to carry out the purposes of sections 5 through 14 of this 1971 amendatory act.

Commission members shall be reimbursed for reasonable expenses incurred in

connection with commission business and meetings, including subsistence and lodging and travel while away from their place of residence. Commission organization and proceedings shall be in accordance with that for public hospital district commissions under RCW 70.44.050.

*NEW SECTION.* Sec. 10. The commission shall as soon as possible after the effective date of sections 5 through 14 of this 1971 amendatory act enter into those necessary negotiations and agreements to obtain the use of the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

*NEW SECTION.* Sec. 11. Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In addition, environmental conditions today make vital the advancement of remedies relating to respiratory diseases. In order to carry on work effectively in these fields there shall be levied for tuberculosis and respiratory disease hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, the receipts therefrom to be forwarded by the treasurers of such county to the treasurer of the headquarters district county, who shall be treasurer for the district. The commission shall return a total of thirty-five percent of moneys received from the levy provided under this section to the chief health officers of the counties, other than the headquarters county, which funds are to be allocated to specific counties based on caseload in the counties pursuant to standards promulgated by the district commission. Such returned funds are to be used by the chief health officers to carry out tuberculosis control and respiratory disease treatment on a local county level. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid.

*NEW SECTION.* Sec. 12. The district created by section 6 of this 1971 amendatory act shall not participate in any distributions made pursuant to chapter 70.32 RCW on and after the effective date of sections 5 through 14 of this 1971 amendatory act. On and after January 1, 1972 the provisions of chapter 70.32 RCW as now or hereafter amended shall not apply to the eastern district created by section 6 of this 1971 amendatory act.

*NEW SECTION.* Sec. 13. The department of social and health services shall have the same authority over the hospital of a tuberculosis and respiratory disease hospital district as its authority over any privately administered hospital in this state.

*NEW SECTION.* Sec. 14. Until January 1, 1972, counties and the state shall continue to pay for the treatment of county patients at Edgecliff in Spokane, Washington, in the same manner as they have during this 1969-1971 fiscal biennium prior to the effective date of sections 5 through 14 of this amendatory act.

*NEW SECTION.* Sec. 15. The following words and phrases shall have the designated meanings in section 15 through 25 of this 1971 amendatory act unless the context clearly indicated otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Secretary" means the secretary of the department of social and health services or his designee;
- (3) "Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;
- (4) "Tuberculosis control" refers to the procedures administered in the counties for the control and prevention of tuberculosis, but does not include hospitalization.

*NEW SECTION.* Sec. 16. From and after the effective date of sections 15 through 25 of this 1971 amendatory act, the secretary shall have sole administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to sections 15 through 25 of this 1971 amendatory act. Pursuant to that responsibility, the secretary shall have the following powers and duties:

- (1) To provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;
- (2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to section 15 through 25 of this 1971 amendatory act.
- (3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of the tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act.

*NEW SECTION.* Sec. 17. The medical director of any tuberculosis hospital facility operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

- (1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;
- (2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.



*NEW SECTION.* Sec. 18. In order to maintain adequate tuberculosis hospital facilities for the residents of the state of Washington and to assure their proper care pursuant to sections 15 through 25 of this 1971 amendatory act, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall commencing January 1, 1972, levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth mill against the actual value of the taxable property in the county. Upon collection such sum shall be paid to the state general fund to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act. All other sources of revenue payable for the cost of hospitalization in tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be collected by such tuberculosis hospital facilities and paid into the general fund of the state.

There is hereby appropriated from the state general fund to the department such revenue as is collected and paid over to the general fund resulting from the one-sixteenth mill levy provided for herein, and the collections made by the tuberculosis hospital facilities for the cost of hospitalization. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to sections 15 through 25 of this 1971 amendatory act: PROVIDED, That in the event that the revenues collected under this section exceed the cost of hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties.

*NEW SECTION.* Sec. 19. During the period from the effective date of sections 15 through 25 of this 1971 amendatory act to January 1, 1972 each of the respective counties enumerated in section 18 of this 1971 amendatory act will be responsible for the cost of care for hospitalization of patients with tuberculosis from the respective counties, when such patients are unable to pay all or any of the hospitalization costs: PROVIDED, That no county enumerated in section 18 of this 1971 amendatory act shall be liable for payment for such cost of care beyond the amount budgeted and collected in each such county for tuberculosis hospitalization and control as a result of revenue from previous levied tuberculosis taxes or payments in lieu of taxes.

*NEW SECTION.* Sec. 20. From the effective date of sections 15 through 25 of this 1971 amendatory act in any county enumerated in section 18 of this 1971 amendatory act currently maintaining a tuberculosis hospital facility, the department will assume all assets and liabilities relating to such hospitals and the counties and the department are authorized and directed to take all steps required by law to effect such transfer.

Sec. 21. Section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, [including hospitalization,] case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the [board of county commissioners] legislative authority of each county [in the state] enumerated in section 18 of this 1971 amendatory act shall budget and commencing January 1, 1972 shall levy annually a tax in a sum equal to the amount which would be raised by a levy of [one-eighth] one-sixteenth of a mill against the actual value of the taxable property in [the] any county enumerated in section 18 of this 1971 amendatory act, to be used for the control of tuberculosis, including [hospitalization,] case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the [state director of health] secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including [hospitalization,] case finding, prevention and follow up of known cases of tuberculosis within [the] such county, the [board of county commissioners] legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of [the] such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the [board of commissioners] legislative authority and the [state] department [of health] a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 22. Section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050 are each amended to read as follows:

All arrangements for hospital care, tuberculosis case finding and post hospital public health follow-up of known cases of tuberculosis of any county enumerated in section 18 of this 1971 amendatory act shall be the responsibility of the local health officer and shall be carried out pursuant to rules and regulations adopted by the state board of health.

Sec. 23. Section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060 are each amended to read as follows:

[The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to a county hospital or facility shall be upon application to the local health officer.] Medical reports on the condition of [such] all patients shall be submitted to

the health department of [the] any county [maintaining] *enumerated in section 18 of this 1971 amendatory act of the patient's [support] residence* by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the [state director of health] *secretary*.

Sec. 24. Section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090 are each amended to read as follows:

In any county *enumerated in section 18 of this 1971 amendatory act* where the [state director of health] *secretary* has certified that the proceeds of the [one-half] *one-sixteenth* mill tax levy is more than adequate to provide for tuberculosis control, including [hospitalization,] case finding, prevention, and follow-up of known cases of tuberculosis in the county, the [board of county commissioners] *legislative authority*, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the [one-half] *one-sixteenth* mill tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the [board] *legislative authority* in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

*NEW SECTION.* Sec. 25. On and after January 1, 1972 the provisions of RCW 70.30.010, 70.30.040, 70.30.050, 70.30.080, 70.30.100, 70.32.015, 70.32.021, 70.32.040, 70.32.080 and 70.32.085 shall not apply to any facility operated pursuant to sections 15 through 25 of this 1971 amendatory act.

*NEW SECTION.* Sec. 26. This 1971 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: Senators Day and Wilson; Representatives Kiskaddon, Kopet and Luders.

#### MOTION

On motion of Senator Day, the report of the Free Conference Committee on House Bill No. 313 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 313, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—39.

Voting nay: Senators Foley, Holman, Lewis, Scott, Whetzel—5.

Absent or not voting: Senators Andersen, Durkan, McCutcheon, Sandison—4.

Excused: Senator Stender—1.

HOUSE BILL NO. 313, 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.

#### MOTION FOR RECONSIDERATION

The Senate resumed consideration of the motion by Senator Ridder to immediately reconsider the vote by which Engrossed House Bill No. 372, as amended by the Senate, passed the Senate.

Debate ensued.

Senator Odegaard demanded a roll call and the demand was sustained by Senators Metcalf, Bailey, Whetzel, Durkan, Henry, Wilson, Walgren, Canfield and Keefe.

#### ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 13; nays, 32; absent or not voting, 3; excused, 1.

Voting yea: Senators Day, Dore, Durkan, Fleming, Foley, Francis, Gardner, Jolly, Odegaard, Ridder, Walgren, Washington, Wilson—13.

Voting nay: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Elicker, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Peterson (Lowell), Peterson (Ted), Scott, Stortini, Talley, Twigg, Whetzel, Woodall—32.

Absent or not voting: Senators Donohue, McCutcheon, Sandison—3.

Excused: Senator Stender—1.

## SPECIAL ORDER OF BUSINESS

### SECOND READING

SENATE BILL NO. 371, by Senators Greive, Stortini, Connor, Stender, Peterson (Ted), Francis, Dore, Cooney, Ridder, Keefe, Mardesich, Bailey and Walgren:

Enacting a "Washington State Labor Relations Act."

The time having arrived, the Senate resumed consideration of Senate Bill No. 371.

### REPORT OF STANDING COMMITTEE

March 30, 1971.

SENATE BILL NO. 371, enacting a Washington State Labor Relations Act (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 5, section 6 (4), line 27, after "employees;" insert "(iii) forcing or requiring any person to enter into any contract or agreement, express or implied, whereby such person ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting, or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person. Any contract or agreement entered into heretofore or hereafter containing such an agreement shall be to such an extent unenforceable and void; (iv) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section (13) of this act: PROVIDED, That nothing contained in this subparagraph (iv) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or picketing; or (v) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, rather than to employees in another labor organization, or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of department determining the bargaining representative for employees performing such work."

Signed by: Senators Durkan, Chairman; Bailey, Connor, Cooney, Day, Foley, Francis, Gissberg, Jolly, Lewis, Mardesich, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington.

The bill was read the second time in full.

On motion of Senator Greive, the committee amendment was read in full.

Senator Greive moved adoption of the committee amendment.

Debate ensued.

### MOTION

Senator Francis moved that Senate Bill No. 371 be referred to the Committee on Rules and Joint Rules.

Senator Guess demanded a roll call and the demand was sustained by Senators Atwood, Fleming, Canfield, Twigg, Lewis, Connor, Keefe, Jolly and Wilson.

### ROLL CALL

The Secretary called the roll and the motion by Senator Francis to refer Senate Bill No. 371 to the Committee on Rules and Joint Rules failed by the following vote: Yeas, 20; nays, 27; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Durkan, Fleming, Francis, Gardner, Gissberg, Herr, Keefe, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington, Wilson—20.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Day, Donohue, Dore,

Elicker, Foley, Greive, Guess, Henry, Holman, Huntley, Jolly, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Whetzel, Woodall—27.

Absent or not voting: Senator McCutcheon—1.

Excused: Senator Stender—1.

The President declared the question before the Senate to be the adoption of the committee amendment.

Senator McDougall demanded a roll call and the demand was sustained by Senators Canfield, Guess, Scott, Connor, Jolly, Washington, Dore, Mardesich and Fleming.

#### ROLL CALL

The Secretary called the roll and the committee amendment was adopted by the following vote: Yeas, 31; nays, 15; absent or not voting, 2; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Foley, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Twigg, Washington, Whetzel, Wilson, Woodall—31.

Voting nay: Senators Connor, Durkan, Fleming, Francis, Gardner, Gissberg, Herr, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren—15.

Absent or not voting: Senators Elicker, McCutcheon—2.

Excused: Senator Stender—1.

#### MOTION

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

On page 2, section 2, line 3, following "agriculture" and before the ":", insert ":", "agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry, or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market."

On page 3, section 2, line 1 after "industries." insert "The term "board" means Washington agricultural labor board as described in section 18 hereof. Wherever the term "department" is used herein the same shall also mean "board" where operations and authority of the agricultural labor board is involved."

#### MOTION

On motion of Senator Greive, Senate Bill No. 371, as amended, was made a special order of business for 11:58 p.m. today.

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

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 298 with the following amendments:

On page 2, section 2, line 7 after "dependents" strike everything down to and including "the" on line 9 and insert the following: "in an amount not to exceed [ten] twenty dollars per month per employee covered. The"

On page 2, section 3, line 32 after "dependents" strike everything down to and including "the" on page 3, line 1 and insert the following: "in an amount not to exceed [ten] twenty dollars per month per employee covered. The", 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. 298.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 298, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Connor, Cooney, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Wilson—35.

Voting nay: Senators Andersen, Atwood, Canfield, Clarke, Guess, McDougall, Newschwander, Twigg, Whetzel, Woodall—10.

Absent or not voting: Senators Durkan, McCutcheon, Talley—3.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 298, 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.

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 192 with the following amendments:

Strike the title and insert:

"An Act relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as amended by section 2, chapter 123, Laws of 1965 and RCW 29.13.010; amending section 29.39.030, chapter 9, Laws of 1965 as amended by section 5, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.030; adding new sections to chapter 9, Laws of 1965 and to chapter 29.13 RCW; adding new sections to chapter 9, Laws of 1965 and to chapter 29.21 RCW; creating a new section; making an appropriation; and declaring an emergency."

On page 4 of the printed bill after section 7 add new sections as follows:

"Sec. 8. Section 29.13.010, chapter 9, Laws of 1965 as amended by section 2, chapter 123, Laws of 1965 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. *A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) the election of city, town and district officers as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of state officers for the remainder of any unexpired terms as provided for in Article II, section 15, Article III, section 10, and Article IV, sections 3 and 5 of the state Constitution; (3) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (4) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers; nor special elections to fill vacancies in any state office, or in the membership of either branch of the congress of the United States: PROVIDED [FURTHER], That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law. *Those sections of this act that apply to questions referred to the people shall not be effective until January 1, 1973.**

Sec. 9. Section 29.39.030, chapter 9, Laws of 1965 as amended by section 5, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.030 are each amended to read as follows:

"Election" used alone means a general election except where the context indicates that a special election is meant or included. "Election" used without qualification never means a primary. ["Election" does not include a municipal election.]

In addition to the above, for the purpose of this chapter, the term "primary" means the [state] primary elections held on the third Tuesday in September of [the

even-numbered] each year. The term "election" means the [state] general elections held on the first Tuesday following the first Monday in November of [the even-numbered and the odd-numbered years: PROVIDED, HOWEVER, That the absentee ballots for service voters of such odd-numbered year election shall be restricted to state measures being submitted for approval or rejection] each year.

*The purpose of this section is to authorize absentee voters qualifying as service voters as defined by RCW 29.39.010, as now exists or hereafter amended, to cast the same ballots, including those for special elections, as any registered voter would receive under the provisions of RCW 29.36.030 for any September primary or November general election.*

**NEW SECTION.** Sec. 10. There is added to chapter 9, Laws of 1965 and to chapter 29.13 RCW a new section to read as follows:

Whenever state measures are voted upon at a state general election held in November of an odd-numbered year as provided for in section 8 of this 1971 amendatory act, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such expense claims 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. 11. There is added to chapter 9, Laws of 1965 and to chapter 29.13 RCW a new section to read as follows:

Whenever it shall be necessary to hold a special election to fill an unexpired term of any elective state office, elective county office, or elective public utility district office, such special election shall be held in concert with the general election being held on the first Tuesday after the first Monday of November in the next succeeding even-numbered year: PROVIDED, HOWEVER, That nothing contained herein shall apply to counties governed by a home rule charter.

Whenever it shall be necessary to hold a special election to fill an unexpired term of any elective city or town office, and any elective district office (except public utility district offices and those district offices wherein ownership of property is a prerequisite to voting) such special election shall be held in concert with the general election being held on the first Tuesday after the first Monday of November in the next succeeding odd-numbered year.

**NEW SECTION.** Sec. 12. In addition to the material authorized by chapter 29.81 RCW, the secretary of state shall publish in the voters' pamphlet, comparative maps, each occupying a single page and relating to initiative measure number forty-three regulating shoreline use and development, together with appropriate captions and other explanatory materials showing:

(1) The enumeration and location of shorelands which would be subject to federal, state and local regulation as a result of the approval by the voters of initiative measure number forty-three;

(2) The enumeration and location of shorelands which would be subject to federal, state, and local regulation of substantially the same type or effect as that authorized by initiative measure number forty-three, if the voters were to approve instead of initiative measure number forty-three any other measure or measures on the subject of shorelines before them at the same election; and

(3) The enumeration and location of shorelands already under federal and state ownership or federal and state regulation of substantially the same type or effect as that authorized by initiative measure number forty-three, as of the date of publication of the voters' pamphlet.

**NEW SECTION.** Sec. 13. To carry out the provisions of this 1971 amendatory act there is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1973, the sum of seven thousand dollars, or so much thereof as shall be necessary."

R number the remaining section consecutively., and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTION

Senator Stortini moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 192.

## POINT OF ORDER

Senator Scott: "The annual elections bill, by being tacked on to what was a bill about nonpartisan and judicial elections, enlarges the scope and object of the bill. This bill originally dealt solely with filling voids in the judicial and nonpartisan sphere. It now has been enlarged to include federal elections, judicial elections, elections on initiatives and referendums and indeed the whole election system in this state, thereby it considerably enlarges the original scope of the bill."

The motion by Senator Stortini was ordered held for a ruling by the President on the Point of Order by Senator Scott.

President Pro Tempore Henry assumed the Chair.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has receded from its amendment to page 1, line 14, following section 1, inserting new sections 2 through 6, to SENATE BILL NO. 467 and has passed the bill without the amendment, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 467, without the House amendment, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Elicker, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—44.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Durkan, Gissberg, McCutcheon—3.

Excused: Senator Stender—1.

SENATE BILL NO. 467, having received the constitutional 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 Greive, the Senate commenced consideration of the House message on Engrossed Substitute Senate Bill No. 915 and the House amendments thereto.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 915, with the following amendments:

On page 1, line 11 of the title after "RCW 47.60.440;" strike all material down to and including "47.64 RCW" on line 13 and insert "adding new sections to chapter 47.60 RCW;"

On page 2, section 1, line 19 beginning with "PROVIDED, That" strike all of the matter down to and including "program" on line 29

On page 6, section 5, line 1 after "provision" insert a period and strike the balance of the paragraph

On page 8, section 9, line 5 strike all of sections 9 and 10 and renumber the remaining sections consecutively.

and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTIONS

Senator Guess moved that Engrossed Substitute Senate Bill No. 915 be indefinitely postponed.

Debate ensued.

On motion of Senator Walgren, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 915.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 915, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 5; absent or not voting, 7; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Day, Donohue, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Wilson—36.

Voting nay: Senators Guess, Knoblauch, Metcalf, Whetzel, Woodall—5.

Absent or not voting: Senators Andersen, Cooney, Durkan, Gissberg, Huntley, McCutcheon, Twigg—7.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 915, 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.

#### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, placing a time limit on recalls, have had the same under consideration, and we recommend that Engrossed Substitute House Bill No. 214 be amended to read as follows and that the amended bill do pass:

Amend the Senate Committee amendment which strikes all material after the enacting clause as follows:

On page 1, starting with line 6, strike section 1 in its entirety and insert:

“Section 1. Section 29.82.020, chapter 9, Laws of 1965 and RCW 29.82.020 are each amended to read as follows:

*If the recall is demanded of a state-wide elected official, the attorney general shall determine within fifteen days of the filing of the charge whether or not the acts complained of in the charge are acts of malfeasance or misfeasance while in office, or a violation of the oath of office, as specified in the Constitution [ . ]. If the recall is demanded of a member of the State Senate or House of Representatives, and the legislative district of said member lies wholly within one county, the determination shall be made by the prosecuting attorney of such county within fifteen days of the filing of the charge. If the member's legislative district extends into two or more counties, the attorney general shall make the determination within the aforesaid time. If the recall is demanded of any other official, the prosecuting attorney of the county in which the person subject to recall resides shall make such determination within fifteen days of the filing of the charge: PROVIDED, That if the recall is demanded of the attorney general, the determination shall be made by the Chief Justice of the Supreme Court of the State of Washington within fifteen days of the filing of the charge. Upon determination that the recall charges meet the constitutional requirements, the [officer with whom the charge is filed] attorney general or the prosecuting attorney, as the case may be, shall, within thirty days of the filing of the charge, formulate a ballot synopsis of such charge of not to exceed two hundred words, which shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge, and shall notify the persons filing the charge of the exact language of such ballot synopsis, and attach a copy thereof to and file the same with the charge, and thereafter such charge shall be designated on all petitions, ballots and other proceedings in relation thereto by such synopsis.”*

On page 4, after section 5, insert a new section as follows:

“NEW SECTION. Sec. 6. This 1971 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 page 2, line 29, following section 2, insert a new section to read as follows:

“NEW SECTION. Sec. 3. The sponsors of any recall who have been in the process of obtaining supporting signatures for sixty days or more, on the effective date of this 1971 amendatory act shall have only sixty additional days from such date to complete such process and file such signatures.”

Renumber remaining sections consecutively.

Signed by: Senators Wilson, Holman and Dore; Representatives Brown, Ross and Shinpoch.

#### MOTION

On motion of Senator Dore, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 214 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill



No. 214, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 5; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Matson, Murray, Newschwander, Odegaard, Peterson (Ted), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—42.

Voting nay: Senator Metcalf—1.

Absent or not voting: Senators Gissberg, McCutcheon, Mardesich, Peterson (Lowell), Ridder—5.

Excused: Senator Stender—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, 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 10, 1971.

Mr. President: The House has receded from its amendment to page 2, line 32, adding new section 5, to ENGROSSED SENATE BILL NO. 188, and has passed the bill without the amendment, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 188, without the House amendment, and passed the bill by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Andersen, Dore, McCutcheon, Peterson (Lowell), Walgren—5.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of the House message on Engrossed Senate Bill No. 192, the motion by Senator Stortini to concur in House amendment, and the point of order as raised by Senator Scott.

#### RULING BY THE PRESIDENT

The President: "The President in ruling on the point of order as presented by Senator Scott, finds that Engrossed Senate Bill No. 192 is a measure which has as its sole object the elimination of unnecessary elections to fill vacancies in nonpartisan positions. The amendment of the House of Representatives is basically a measure which calls for annual general elections and setting forth precisely which offices and measures may be considered in odd numbered years. The amendment further requires the Secretary of State to publish in a voters' pamphlet various items to assist the voters with regard to Initiative 43 which pertains to the regulation of shoreline use and development. The House amendment therefore does enlarge the scope and object of the bill and the point of order presented by Senator Scott is well taken."

The motion by Senator Stortini to concur in the House amendment to Engrossed Senate Bill No. 192 was ruled out of order.

On motion of Senator Woodall, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 192 and asks the House to recede therefrom.

## MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 18 with the following amendments:

On page 1, section 3, line 27 of the engrossed bill after "claim" and before "one" strike "including" and insert "excluding" thus striking the Senate amendment

On page 2, section 3, line 1 of the engrossed bill after "out of" and before "is within" strike "or" and insert "and" thus striking the Senate amendment

On page 3, section 6, line 32 of the engrossed bill after "excess of" and before "and is" strike "applicable deductible provisions of the policy" and insert "one hundred dollars" thus striking the Senate amendment

On page 4, section 6, line 1 of the engrossed bill after "amount of" and before "any" strike "unearned premiums of" thus striking the Senate amendment, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTION

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 18.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 18, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 4; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Voting nay: Senator Guess—1.

Absent or not voting: Senators Andersen, Fleming, McCutcheon, Peterson (Lowell)—4.

Excused: Senator Stender—1.

ENGROSSED SENATE BILL NO. 18, 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.

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 735, and has granted said committee the powers of Free Conference.

DONALD R. WILSON, Assistant Chief Clerk.

May 9, 1971.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 346 and asks the Senate to recede therefrom, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## MOTIONS

Senator Ridder moved that the Senate recede from its amendment to Engrossed House Bill No. 346.

Debate ensued.

The motion failed.

On motion of Senator Woodall, the Senate adhered to its position on the Senate amendment to Engrossed House Bill No. 346 and asks the House to recede therefrom.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 684 and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 684, requiring that certain insurance contracts include psychological services, have had the same under consideration, and we recommend that the Senate recede from its amendments to the bill.

Signed by: Senators Day, Metcalf and Cooney; Representatives Barden, Backstrom and Shera.

## MOTION

On motion of Senator Day, the report of the Conference Committee on House Bill No. 684 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 684, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 6; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Donohue, Durkan, Elicker, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-41.

Voting nay: Senator Clarke-1.

Absent or not voting: Senators Andersen, Dore, Fleming, Lewis, McCutcheon, Scott-6.

Excused: Senator Stender-1.

HOUSE BILL NO. 684, as amended by the 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.

## CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Greive, the appointment of RONALD E. ROBINSON, as a member of the board of trustees of Eastern Washington State College was confirmed.

## APPOINTMENT OF RONALD E. ROBINSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall-45.

Absent or not voting: Senators Lewis, McCutcheon, Stortini-3.

Excused: Senator Stender-1.

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

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE JOINT RESOLUTION NO. 38, and has passed the resolution as amended by

the Free Conference Committee, and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE JOINT RESOLUTION NO. 38, amending the state Constitution making it permissive for the legislature to set the salaries of county officers, have had the same under consideration, and we recommend that the attached substitute resolution be substituted therefor, and that the substitute resolution do pass.

**BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:**

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XI of the state Constitution by amending section 5 (Amendment 12) and section 8 thereof to read as follows:

Article XI, section 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: **PROVIDED**, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: **PROVIDED**, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Article XI, section 8. [The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers.] The salary of any county, city, town, or municipal officers shall not be increased *except as provided in section 1 of Article XXX* or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

**BE IT FURTHER RESOLVED**, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Signed by: Senators Jolly, Whetzel and Bailey; Representatives Jones, Smythe and Thompson.

### MOTION

On motion of Senator Whetzel, the report of the Free Conference Committee on Senate Joint Resolution No. 38 was adopted.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 38, as amended by the Free Conference Committee and the resolution passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Andersen, Bailey, Lewis, McCutcheon, Washington—5.

Excused: Senator Stender—1.

SENATE JOINT RESOLUTION NO. 38, as amended by the Free Conference Committee, having received the constitutional two-thirds majority was declared passed.

## MOTION

On motion of Senator Greive, the Senate resumed consideration of Engrossed House Joint Resolution No. 47.

## THIRD READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, by Representatives Bluechel, O'Brien, Hoggins and Kiskaddon: Amending Article VII, section 2 of the Constitution.

The Senate resumed consideration of Engrossed House Joint Resolution No. 47, which was passed to third reading May 5, 1971.

The resolution was read the third time and placed on final passage.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 47, and the resolution failed to pass the Senate by the following vote: Yeas, 30; nays, 8; absent or not voting, 10; excused, 1.

Voting yea: Senators Atwood, Bailey, Clarke, Connor, Cooney, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Holman, Keefe, Knoblauch, Mardesich, Murray, Odgaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Whetzel, Woodall—30.

Voting nay: Senators Canfield, Day, Guess, Huntley, Jolly, McDougall, Matson, Twigg—8.

Absent or not voting: Senators Andersen, Donohue, Dore, Lewis, McCutcheon, Metcalf, Newschwander, Talley, Washington, Wilson—10.

Excused: Senator Stender—1.

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, having failed to receive the constitutional two-thirds majority, was declared lost.

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

## MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 658 with the following amendment:

On page 1, line 5 of the engrossed and printed bill, beginning with "NEW SECTION," strike the balance of the bill and insert:

"NEW SECTION. Section 1. It shall be unlawful and a misdemeanor for any retailer in this state to sell or offer to sell any prerecorded sound or audio recording tape or any prerecorded video recording or tape unless such recording or tape bears the actual name and address of the recorder on its face or package: PROVIDED, That this act shall not be applicable to any said recording or tape that is intended to be used for broadcast by commercial or educational radio or television stations. Each and every sale of such recording or tape which does not bear the actual name and address of the recorder shall constitute a separate violation of this act.

NEW SECTION. Sec. 2. Each and every violation of section 1 of this act shall constitute a separate offense and be subject to a fine not to exceed one hundred dollars." and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## MOTIONS

On motion of Senator Atwood, the Senate concurred in the House amendments to Engrossed Senate Bill No. 658.

On motion of Senator Twigg, Senator Lewis was excused.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 658, as

amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; absent or not voting, 11; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Huntley, Jolly, Keefe, Knoblauch, McDougall, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—36.

Absent or not voting: Senators Andersen, Connor, Donohue, Durkan, Herr, Holman, McCutcheon, Mardesich, Matson, Peterson (Ted), Washington—11.

Excused: Senators Lewis, Stender—2.

ENGROSSED SENATE BILL NO. 658, 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.

May 11, 1971.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 501, and asks the Senate to recede therefrom, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

#### MOTIONS

Senator Guess moved that the Senate adhere to its position on Engrossed House Bill No. 501.

Senator Talley moved that the Senate do recede from its amendments to Engrossed House Bill No. 501.

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the positive motion by Senator Talley.

#### MOTION

On motion of Senator Greive, the motion by Senator Talley was made a special order of business for 11:59 p.m. today.

#### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 307 and has discharged its committee, and has appointed as new conferees: Representatives Flanagan, Pardini and Perry, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 307, extending two-mill shift for schools, have had the same under consideration, and we report that we are unable to agree and ask to be relieved from further consideration of the bill, and request the appointment of another committee.

Signed by: Senators Andersen, Donohue and Sandison; Representatives Flanagan and Pardini.

#### MOTION

On motion of Senator Atwood, the report of the Free Conference Committee was adopted and the Senate discharged its committee.

## APPOINTMENT OF FREE CONFERENCE COMMITTEE

The President appointed as new members of the Free Conference Committee on House Bill No. 307, and the Senate amendments thereto: Senators Donohue, Lewis and Sandison.

## MOTION

On motion of Senator Atwood, the new Free Conference Committee appointments were confirmed.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 897, and has discharged its committee, and has appointed as new conferees: Representatives Flanagan, Pardini and Perry, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 897, pertaining to revenue and taxation, have had the same under consideration, and we report that we are unable to agree and ask to be relieved from further consideration of the bill, and request the appointment of another committee.

Signed by: Senators Andersen, Donohue and Sandison; Representatives Flanagan and Pardini.

## MOTION

On motion of Senator Atwood, the report of the Free Conference Committee was adopted and the Senate discharged its committee.

## APPOINTMENT OF FREE CONFERENCE COMMITTEE

The President appointed as new members of the Free Conference Committee on Substitute Senate Bill No. 897 and the House amendments thereto: Senators Donohue, Lewis and Sandison.

## MOTION

On motion of Senator Atwood, the new Free Conference Committee appointments were confirmed.

## SPECIAL ORDER OF BUSINESS

## SECOND READING

ENGROSSED HOUSE BILL NO. 479, by Representatives Hoggins, Randall and Cunningham (by Joint Committee on Education request):

Changing law relating to nonhigh school district aid to high school districts.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 479, as amended. There being no objection, the pending amendment by Senator Murray and the amendment to the amendment by Senator Odegaard were withdrawn.

On motion of Senator Ridder, the following amendment to the title was adopted:

On page 1, line 14 of the title, after "28A.44.050" and before the ";" insert "amending section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010"

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 479,

as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was passed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 479, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 2; absent or not voting, 8; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Foley, Francis, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson, Woodall—37.

Voting nay: Senators Newschwander, Twigg—2.

Absent or not voting: Senators Andersen, Donohue, Durkan, Elicker, Fleming, Gissberg, Herr, Peterson (Lowell)—8.

Excused: Senators Lewis, Stender—2.

ENGROSSED HOUSE BILL NO. 479, 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 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 51, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

#### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 51, providing for changes in certain licensing regulations, have had the same under consideration, and we recommend that the House committee amendment be amended as follows and that the amended bill do pass:

On page 13 of the committee amendment, after section 20, insert a new section 21:

"NEW SECTION. Sec. 21. There is added a new section to chapter 43.24 RCW to read as follows:

It shall be the policy of the state of Washington to determine license fees for businesses and professions on the following basis:

(a) There shall be a minimum fee of five dollars (\$5.00) for any vocation. Those vocations which normally work for others shall be in this classification. Variations in fees by vocation shall be in multiples of five dollars as authorized by the legislature.

(b) There shall be a minimum fee of fifteen dollars (\$15.00) for professions or proprietary vocations. Each vocational group as set up by law shall have fees increased to cover the costs of that group as determined by the director: PROVIDED, That no fee shall exceed \$25.00 except those specifically authorized by the legislature: PROVIDED FURTHER, That licensees over 65 years of age and retired or residing out-of-state shall pay only fifty percent of the standard fee for their classification."

Renumber the remaining sections consecutively.

On page 14 of the committee amendment, strike section 22 in its entirety

On line 1 of the title after "professions;" insert "adding a new section to chapter 43.24 RCW;"

On page 13 of the committee amendment, strike old section 21 in its entirety.

Signed by: Senators Day, Murray and Ridder; Representatives Curtis, Polk and Randall.



## MOTION

On motion of Senator Day, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 51 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 51, as amended by the Free Conference Committee, and the bill passed the Senate by following vote: Yeas, 40; absent or not voting, 7; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Andersen, Donohue, Durkan, Elicker, Fleming, Gissberg, Newschwander—7.

Excused: Senators Lewis, Stender—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 51, 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.

## REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 735, an act relating to industrial insurance, have had the same under consideration and we recommend that the attached bill be substituted therefor and that it do pass.

An Act relating to industrial insurance; amending section 13, chapter 223, Laws of 1953 and RCW 38.52.290; amending section 17, chapter 223, Laws of 1953 and RCW 38.52.330; amending section 51.04.030, chapter 23, Laws of 1961 and RCW 51.04.030; amending section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070; amending section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010; amending section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020; amending section 51.12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex. sess. and RCW 51.12.070; amending section 51.12.110, chapter 23, Laws of 1961 and RCW 51.12.110; amending section 51.16.040, chapter 23, Laws of 1961 and RCW 51.16.040; amending section 2, chapter 151, Laws of 1963 and RCW 51.16.042; amending section 51.16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 and RCW 51.16.105; amending section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110; amending section 51.16.140, chapter 23, Laws of 1961 as amended by section 2, chapter 20, Laws of 1971 and RCW 51.16.140; amending section 51.16.160, chapter 23, Laws of 1961 and RCW 51.16.160; amending section 51.16.180, chapter 23, Laws of 1961 and RCW 51.16.180; amending section 51.24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51.24.010; amending section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010; amending section 51.28.020, chapter 23, Laws of 1961 and RCW 51.28.020; amending section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030; amending section 51.32.010, chapter 23, Laws of 1961 and RCW 51.32.010; amending section 1, chapter 107, Laws of 1961 and RCW 51.32.015; amending section 51.32.020, chapter 23, Laws of 1961 and RCW 51.32.020; amending section 51.32.040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.040; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060; amending section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090; amending section 51.32.100, chapter 23, Laws of 1961 and RCW 51.32.100; amending section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110; amending section 51.32.140, chapter 23, Laws of 1961 and RCW 51.32.140; amending section 51.32.180, chapter 23, Laws of 1961 and RCW 51.32.180; amending

section 51.36.010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.010; amending section 51.36.020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.020; amending section 51.44.070, chapter 23, Laws of 1961 as amended by section 5, chapter 274, Laws of 1961 and RCW 51.44.070; amending section 51.44.080, chapter 23, Laws of 1961 and RCW 51.44.080; amending section 51.48.010, chapter 23, Laws of 1961 and RCW 51.48.010; amending section 51.48.020, chapter 23, Laws of 1961 and RCW 51.48.020; amending section 51.48.030, chapter 23, Laws of 1961 and RCW 51.48.030; amending section 51.48.060, chapter 23, Laws of 1961 and RCW 51.48.060; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 3, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.010; amending section 51.52.080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51.52.080; amending section 51.52.090, chapter 23, Laws of 1961 and RCW 51.52.090; amending section 6, chapter 148, Laws of 1963 and RCW 51.52.104; amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.106; amending section 51.52.110, chapter 23, Laws of 1961 as amended by section 122, chapter 81, Laws of 1971 and RCW 51.52.110; amending section 14, chapter 207, Laws of 1953 and RCW 75.08.206; adding new sections to chapter 51.04 RCW; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.12 RCW; adding new sections to chapter 51.16 RCW; adding a new section to chapter 51.28 RCW; adding new sections to chapter 51.32 RCW; adding new sections to chapter 51.36 RCW; adding new sections to chapter 51.44 RCW; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.98 RCW; adding a new chapter to Title 51 RCW; repealing section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010; repealing section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020; repealing section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030; repealing section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; repealing section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080; prescribing penalties; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any [extrahazardous] work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen [, in extrahazardous work].

Sec. 2. Section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010 are each amended to read as follows:

There is a hazard in all employment [, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations,] and it is the purpose of this title to embrace all [of them] employments which are within the legislative jurisdiction of the state [, in the following enumeration, and they are intended to be embraced] within the term "extrahazardous" wherever used in this title [, to wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power, quarries, engineering works; logging, lumbering and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving, and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels; janitors, chambermaids, porters, bellmen, pinsetters, elevator operators and maintenance men employed in apartment houses, office buildings, stores, mercantile establishments, theaters and bowling alleys employing one or more employees; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations].

*This title shall be liberally construed for the purpose of reducing to a minimum the suffering and economic loss arising from injuries and/or death occurring in the course of employment.*

Sec. 3. Section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be deemed extrahazardous [within the meaning, or be] and thus not included [in the enumeration of RCW 51.12.010, to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven computing machines in offices; using power-driven taffy pullers in retail candy stores; using

power-driven milk shakers in establishments operating soda foundations; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises] *within the mandatory coverage of this title:*

(1) *Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.*

(2) *Any person employed to do maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.*

(3) *A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.*

(4) *Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.*

(5) *Sole proprietors and partners.*

(6) *Any employee whose cash remuneration paid or payable by the employer in any calendar year for agricultural labor is less than one hundred fifty dollars: PROVIDED, That the exemption contained in this subsection shall expire and have no force or effect on December 31, 1972.*

Sec. 4. Section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with a cash deposit in a sum equal to the *estimated* premiums [on the estimate of his payroll and workmen hours] for the first three calendar months of his proposed operations which shall remain on deposit subject to the other provisions of this section.

The director may, in his discretion and in lieu of such deposit, accept a bond, in an amount which he deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums [to the accident fund and medical aid fund based on his actual workmen hours as provided by RCW 51.16.010 and 51.16.060] *subsequently due.*

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the director may, in his discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under RCW 51.08.070, the director shall, upon receipt of all payments due the accident fund and medical aid fund [based on the actual workmen hours], refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

[Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July 1st date, which said cost experience shall be computed in accordance with the provisions of RCW 51.16.020, and shall be liable for a premium of at least two dollars per month irrespective of the amount of his workmen hours reported during said month to the department: PROVIDED, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of such employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, the director may continue, increase, or decrease such experience rating which existed prior to such change in the employer's legal structure.]

Sec. 5. Section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010 are each amended to read as follows:

Whenever any accident occurs to any workman it shall be the duty of such workman or someone in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local representative of the department.

*Upon receipt of such notice of accident, the director shall immediately forward to the workman and/or his dependents notification, in nontechnical language, of his rights under this title.*

Sec. 6. Section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030 are each amended to read as follows:

Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department.

*Upon receipt of notice of accident under RCW 51.28.010, the director shall immediately forward to the party or parties required to make application for compensation under this section, notification, in nontechnical language, of their rights under this title.*

Sec. 7. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1,

chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed [six hundred] *eight hundred* dollars shall be paid to the undertaker conducting the funeral.

(2) [If the workman leaves a widow or invalid widower, a monthly payment of one hundred forty dollars, shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars, but the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries.] *A widow or invalid widower of a deceased workman shall receive monthly throughout his or her life the following sums:*

(a) *If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars.*

(b) *If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars.*

(c) *If there are two children of the deceased workman, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars.*

(d) *If there are three children of the deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars.*

(e) *If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars.*

(f) *If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.*

*Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed seventy-five percent of the average monthly wage of the state as computed under section 14 of this 1971 amendatory act.*

In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving widow or invalid widower of any such deceased workman shall be forthwith paid the sum of [six hundred] *eight hundred* dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of [two thousand] *seventy-five hundred* dollars or *fifty percent of the then remaining annuity value of her pension, whichever is the lesser*, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) [If the workman leaves no wife or husband, but an orphan child or children a monthly payment of seventy dollars shall be paid to each such child, but the total monthly payments shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries.]

*If there is a child or children and no widow or widower of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage of the state as defined in section 14 of this 1971 amendatory act, whichever is the lesser of the two sums.*

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the [sum of seventy dollars per month, but the total monthly payment shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries] *same payment as provided in subsection (3) of this section.*

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed [one hundred twenty-five dollars per month] *sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage of the state as defined in section 14 of this 1971 amendatory act, which ever is the lesser of the two sums.* If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years *except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an accredited school.* The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the

surviving widow or invalid widower shall receive [one hundred forty dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars: PROVIDED, That the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive seventy dollars per month, but the total monthly payment to such children shall not exceed three hundred fifty dollars, and any deficit shall be deducted proportionately among the children] *benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section.* Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 8. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) [If unmarried at the time of the injury, the sum of one hundred eighty-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of two hundred fifteen dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of one hundred seventy-five dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by thirty-seven dollars for the youngest or only child, thirty-one dollars for the next or second youngest child, and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twenty-two dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.] *If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.*

(2) *If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.*

(3) *If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.*

(4) *If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.*

(5) *If married with four children at the time of injury, seventy-three percent of his wages but not less than three hundred twenty-nine dollars per month.*

(6) *If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.*

(7) *If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five dollars per month.*

(8) *If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.*

(9) *If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.*

(10) *If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.*

(11) *If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.*

(12) *If unmarried with five or more children at the time of injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.*

(13) *For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.*

[(5)] (14) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased [one hundred fifteen dollars] by an amount equal to forty percent of the average monthly wage of the state as computed in section 14 of this 1971 amendatory act per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

[(6)] (15) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

(16) *In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage of the state as computed under the provisions of section 14 of this 1971 amendatory act.*

Sec. 9. Section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1,

chapter 166, Laws of 1965 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, [1965] 1971, be paid one hundred [twenty-five] *eighty-five* dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred [sixty-five] *eighty-five* dollars per month, and one hundred *fifteen* dollars per month additional in cases requiring the services of an attendant, if unmarried at the time his injury occurred; [one hundred ninety] *two hundred fifteen* dollars per month, and one hundred *fifteen* dollars per month additional in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and one hundred [fifty-five] *seventy-five* dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the [funds appropriated by the legislature] *supplemental pension fund* such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

[The legislature shall make biennial appropriations to carry out the purposes of this section.]

Sec. 10. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

#### LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3" or less below the tuberosity of ischium).....	[\$15,000.00]	\$18,000.00
Of leg at or above knee joint with functional stump.....	[\$13,500.00]	\$16,200.00
Of leg below knee joint.....	[\$12,000.00]	\$14,400.00
Of leg at ankle (Syme).....	[\$10,500.00]	\$12,600.00
Of foot at mid-metatarsals.....	[\$ 5,250.00]	\$ 6,300.00
Of great toe with resection of metatarsal bone.....	[\$ 3,150.00]	\$ 3,780.00
Of great toe at metatarsophalangeal joint.....	[\$ 1,890.00]	\$ 2,268.00
Of great toe at interphalangeal joint.....	[\$ 1,000.00]	\$ 1,200.00
Of lesser toe (2nd to 5th) with resection of metatarsal bone.....	[\$ 1,150.00]	\$ 1,380.00
Of lesser toe at metatarsophalangeal joint.....	[\$ 560.00]	\$ 672.00
Of lesser toe at proximal interphalangeal joint.....	[\$ 415.00]	\$ 498.00
Of lesser toe at distal interphalangeal joint.....	[\$ 105.00]	\$ 126.00
Of arm at or above the deltoid insertion or by disarticulation at the shoulder.....	[\$15,000.00]	\$18,000.00
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon.....	[\$14,250.00]	\$17,100.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand.....	[\$13,500.00]	\$16,200.00
Of all fingers except the thumb at metacarpophalangeal joints....	[\$ 8,100.00]	\$ 9,720.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone.....	[\$ 5,400.00]	\$ 6,480.00
Of thumb at interphalangeal joint.....	[\$ 2,700.00]	\$ 3,240.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone.....	[\$ 3,375.00]	\$ 4,050.00
Of index finger at proximal interphalangeal joint.....	[\$ 2,700.00]	\$ 3,240.00
Of index finger at distal interphalangeal joint.....	[\$ 1,485.00]	\$ 1,782.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone.....	[\$ 2,700.00]	\$ 3,240.00
Of middle finger at proximal interphalangeal joint.....	[\$ 2,160.00]	\$ 2,592.00
Of middle finger at distal interphalangeal joint.....	[\$ 1,215.00]	\$ 1,458.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone.....	[\$ 1,350.00]	\$ 1,620.00

Of ring finger at proximal interphalangeal joint.....	[\$ 1,080.00]	\$ 1,296.00
Of ring finger at distal interphalangeal joint.....	[\$ 675.00]	\$ 810.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone .....	[\$ 675.00]	\$ 810.00
Of little finger at proximal interphalangeal joint.....	[\$ 540.00]	\$ 648.00
Of little finger at distal interphalangeal joint.....	[\$ 270.00]	\$ 324.00

## MISCELLANEOUS

Loss of one eye by enucleation.....	[\$ 6,000.00]	\$ 7,200.00
Loss of central visual acuity in one eye.....	[\$ 5,000.00]	\$ 6,000.00
Complete loss of hearing in both ears.....	[\$12,000.00]	\$14,400.00
Complete loss of hearing in one ear.....	[\$ 2,000.00]	\$ 2,400.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in [an amount equal to eighty-five percent of] the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, [but not in any case to exceed the sum of twelve thousand seven hundred and fifty dollars] compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be thirty thousand dollars: PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of [twelve thousand seven hundred and fifty] thirty-thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds [one thousand dollars] three times the average monthly wage for all workmen entitled to compensation under this title, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in [the amount of one thousand dollars] an amount equal to three times the average monthly wage for all workmen entitled to compensation under this title and interest shall be paid at the rate of [five] six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That [interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: PROVIDED FURTHER, That] upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 11. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) [, (2), (3) and (4)] through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) [But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such

period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.]

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of [thirty] *fourteen* consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

(6) *In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage of the state as computed under the provisions of section 14 of this 1971 amendatory act.*

*NEW SECTION. Sec. 12. There is added to chapter 51.32 RCW a new section to read as follows:*

One of the primary purposes of this title is the restoration of the injured workman to gainful employment. To this end, the department shall utilize the services of individuals whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation or retraining as may be reasonable to qualify the workman for employment consistent with his physical and mental status. Where, after evaluation and recommendation by such individuals and prior to final evaluation of the workman's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured workman to a form of gainful employment, the supervisor may, in his sole discretion, continue the temporary total disability compensation under RCW 51.32.090 while the workman is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: PROVIDED, That such compensation may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the workman is required to reside away from his customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall not be chargeable to the employer's cost experience but shall be paid out of the accident fund and charged back to each class on June 30th and December 31st of each year in proportion to its premium contribution for the preceding calendar year or shall be paid by the self-insurer for workmen to whom he is liable for compensation and benefits under the provisions of this title.

Sec. 13. Section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110 are each amended to read as follows:

Any workman entitled to receive compensation or *claiming compensation* under this title shall, if requested by the department or *self-insurer*, submit himself for medical examination, at a time and from time to time, at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to [any such] medical examination, or obstructs the same, [his rights to monthly payments shall be suspended until such examination has taken place and no compensation shall be payable during or for such period] or, if any injured workman shall persist in unsanitary or injurious practices which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the department or the *self-insurer upon approval by the department, with notice to the workman* may reduce or suspend the compensation of such workman *so long as such refusal*



or practice continues. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department or self-insurer, such traveling expenses shall be repaid to him out of the accident fund upon proper voucher and audit.

If the medical examination required by this section causes the workman to be absent from his work without pay he shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended notwithstanding the provisions of subdivision (3) of such section as amended.

**NEW SECTION.** Sec. 14. There is added to chapter 51.08 RCW a new section to read as follows:

(1) For the purposes of this title, the monthly wages the workman was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the workman's wages are not fixed by the month, they shall be determined by multiplying the daily wage the workman was receiving at the time of injury:

- (a) By five, if the workman was normally employed one day a week;
- (b) By nine, if the workman was normally employed two days a week;
- (c) By thirteen, if the workman was normally employed three days a week;
- (d) By eighteen, if the workman was normally employed four days a week;
- (e) By twenty-two, if the workman was normally employed five days a week;
- (f) By thirty, if the workman was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer, but shall not include overtime pay, tips, or gratuities. The daily wage shall be eight times the hourly wage unless the workman is normally employed for less than eight hours.

(2) In cases where a wage has not been fixed or cannot be reasonable and fairly be determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

**NEW SECTION.** Sec. 15. There is added to chapter 51.08 RCW a new section to read as follows:

For the purposes of this 1971 amendatory act, the average monthly wage in the state shall be determined by the department as follows: On or before the first day of December of each year, the total wages reported on contribution reports to the department of labor and industries for the four calendar quarters ending on the thirtieth of June of such year shall be divided by the average monthly number of insured workmen (determined by dividing the total insured workmen reported for the same period by twelve). The average annual wage thus obtained shall be divided by twelve and the average monthly wage thus determined rounded to next higher multiple of one dollar. The average monthly wage as so determined shall be applicable for the full period during which compensation is payable, when the date of occurrence of injury or of disability in the case of disease falls within the calendar year commencing the first day of January following the determination made on the first day of December: PROVIDED, That from July 1, 1971 until and including December 31, 1972, the average monthly wage in the state shall be the average annual wage as determined under RCW 50.04.355 divided by twelve.

**NEW SECTION.** Sec. 16. There is added to chapter 51.16 RCW a new section to read as follows:

The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be the lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles. The department shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workmen's compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to maintain solvency of the funds, readjust rates in accordance with the rating system to become effective on such dates as the department may designate.

**NEW SECTION.** Sec. 17. There is added to chapter 51.32 RCW a new section to read as follows:

Each employer shall retain from the earnings of each workman that number of cents as shall be fixed from time to time by the director for each day or part thereof the workman is employed. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department at such intervals as the department directs and shall be placed in the supplemental pension fund created by this 1971 amendatory act. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

**NEW SECTION.** Sec. 18. There is added to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments prescribed in RCW 51.32.070.

**NEW SECTION.** Sec. 19. There is added to chapter 51.44 RCW a new section to read as follows:

Any moneys remaining from funds appropriated by the legislature for the purposes of making additional payments to prior pensioners under prior provisions of RCW 51.32.070,

and any liabilities in connection therewith, are transferred to the supplemental pension fund on the effective date of this new 1971 section.

Sec. 20. Section 51.48.060, chapter 23, Laws of 1961 and RCW 51.48.060 are each amended to read as follows:

Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within [ten] five days of the date of treatment, showing the condition of the injured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman, as required by this title, shall be [guilty of a misdemeanor] *subject to a civil penalty of one hundred dollars.*

*NEW SECTION.* Sec. 21. There is added to chapter 51.48 RCW a new section to read as follows:

Any employee who fails to report an accident and resulting injury to the department as required by RCW 51.28.010 within five days of such accident shall be subject to a civil penalty of one hundred dollars.

Sec. 22. Section 6, chapter 148, Laws of 1963 and RCW 51.52.104 are each amended to read as follows:

After all evidence has been presented at hearings conducted by a hearing examiner, who shall be an active member of the Washington state bar association, the hearing examiner shall [prepare] *enter a proposed or recommended decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original of the proposed decision and order, signed by him, with the board, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney of record. Within twenty days, or such further period as the board may allow on written application of a party, filed within said twenty days from the date of communication of the proposed decision and order to the parties or their attorneys of record, any party may file with the board a written [statement of exceptions] petition for review of the same. Such [statement of exceptions] petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein.*

In the event no [statement of exceptions] *petition for review* is filed as provided herein by any party, the proposed decision and order of the hearing examiner shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

Sec. 23. Section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.106 are each amended to read as follows:

After the filing of a [statement or statements of exceptions] *petition or petitions for review* as provided for in RCW 51.52.104 [the record before the board] *the proposed decision and order of the hearing examiner, petition or petitions for review and, in its discretion, the record or any part thereof, may be considered by the board and on agreement of at least two of the regular members thereof, the board may, within twenty days after the receipt of such petition or petitions, decline to review the proposed decision and order and thereupon deny the petition or petitions. In such event all parties shall forthwith be notified in writing of said denial. If the petition for review is granted, the proposed decision and order, the petition or petitions for review and the record or any part thereof deemed necessary shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his attorney of record.*

Sec. 24. Section 51.52.110, chapter 23, Laws of 1961 as amended by section 122, chapter 81, Laws of 1971 and RCW 51.52.110 are each amended to read as follows:

*Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.*

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, the superior court for Thurston county, or to the superior court of the county wherein the injury occurred. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. The department shall, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. The board shall serve upon the appealing party, the director and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy

of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

**NEW SECTION.** Sec. 25. There is added to Title 51 RCW a new chapter as set forth in sections 26 through 36 of this 1971 amendatory act.

**NEW SECTION.** Sec. 26. Every employer under this title shall secure the payment of compensation under this title by:

- (1) Insuring and keeping insured the payment of such benefits with the state fund; or
- (2) Qualifying as a self-insurer under this title.

**NEW SECTION.** Sec. 27. (1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer.

(2) A self-insurer may establish sufficient financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state filed with the department. The money, securities, or bond shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, or bond required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his probable continuity of operation. The money, securities, or bond so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him upon his written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his proper share of any deficit or insufficiency in the employer's class account as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

**NEW SECTION.** Sec. 28. The director may issue a certification that an employer is qualified as a self-insurer when such employer meets the following requirements:

- (1) He has fulfilled the requirements of section 27 of this 1971 amendatory act.
- (2) He has submitted to the department a payroll report for the preceding consecutive twelve month period.
- (3) He has submitted to the department a sworn itemized statement indicating that the employer has sufficient liquid assets to meet his estimated liabilities as a self-insurer.
- (4) He has submitted to the department a description of the safety organization maintained by him within his establishment that indicates a record of accident prevention.
- (5) He has submitted to the department a description of the administrative organization to be maintained by him to manage industrial insurance matters including:
  - (a) The reporting of injuries;
  - (b) The authorization of medical care;
  - (c) The payment of compensation;
  - (d) The handling of claims for compensation;
  - (e) The name and location of each business location of the employer; and
  - (f) The qualifications of the personnel of the employer to perform this service.

Such certification shall remain in effect until withdrawn by the director or surrendered by the employer with the approval of the director. An employer's qualification as a self-insurer shall become effective on the date of certification or any date specified in the certificate after the date of certification.

**NEW SECTION.** Sec. 29. (1) The surety on a bond filed by a self-insurer pursuant to this title may terminate its liability thereon by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective.

(2) In case of such termination, the surety shall remain liable, in accordance with the terms of the bond, with respect to future compensation for injuries to employees of the self-insurer occurring prior to the termination of the surety's liability.

(3) If the bond is terminated for any reason other than the employer's terminating his status as a self-insurer, the employer shall, prior to the date of termination of the surety's liability, otherwise comply with the requirements of this title.

(4) The liability of a surety on any bond filed pursuant to this section shall be released and extinguished and the bond returned to the employer or surety provided either such liability is secured by another bond filed, or money or securities deposited as required by this title.

*NEW SECTION. Sec. 30.* (1) Any employer may at any time terminate his status as a self-insurer by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective, provided such termination shall not be effective until the employer either shall have ceased to be an employer or shall have filed with the director for state industrial insurance coverage under this title.

(2) An employer who ceases to be a self-insurer, and who so files with the director, must maintain money, securities or surety bonds deemed sufficient in the director's discretion to cover the entire liability of such employer for injuries or occupational diseases to his employees which occurred during the period of self-insurance: PROVIDED, That the director may agree for the medical aid and accident funds to assume the obligation of such claims, in whole or in part, and shall adjust the employer's premium rate to provide for the payment of such obligations on behalf of the employer.

*NEW SECTION. Sec. 31.* (1) The director may, in cases of default upon any obligation under this title by the self-insurer, after ten days notice by certified mail to the defaulting self-insurer of his intention to do so, bring suit upon such bond or collect the interest and principal of any of the securities as they may become due or sell the securities or any of them as may be required or apply the money deposited, all in order to pay compensation, discharge the obligations of the self-insurer under this title, and pay premiums for future insurance of the employer's obligations.

(2) The director shall be authorized to fulfill the defaulting self-insured employer's obligations under this title, paying the necessary premium from the defaulting employer's deposit or from other funds provided under this title for the satisfaction of claims against the defaulting employer, and having subrogation rights against the defaulting employer to the extent of any funds, other than the employer's deposit, expended for the payment of premiums or compensation in performance of the defaulting employer's obligations.

*NEW SECTION. Sec. 32.* Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

(1) The employer no longer meets the requirements of a self-insurer; or  
 (2) The self-insurer's deposit is insufficient; or  
 (3) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

(4) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

(5) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions.

*NEW SECTION. Sec. 33.* (1) Upon the petition of any employee, union or association having a substantial number of employees in the employ of said self-insurer the director shall hold a hearing to determine whether or not there are grounds for the withdrawal of certification of a self-insurer. He shall serve upon the self-insurer and upon any employee union or association having a substantial number of employees in the employ of said self-insurer, personally or by certified mail, a notice of intention to withdraw, or not to withdraw, certification of the self-insurer, which notice shall describe the nature and location or locations of the plants or operations involved; and the specific nature of the reasons for his decision. If the decision is to withdraw certification, it shall include the period of time within which the ground or grounds therefor existed or arose; a directive to the self-insurer specifying the manner in which the grounds may be eliminated; and the date, not less than thirty days after the self-insurer's receipt of the notice, when the certification will be withdrawn in the absence of a satisfactory elimination of the grounds for withdrawal of the certificate.

(2) An appeal of such notice of intention to withdraw, or not to withdraw, certification of a self-insurer may be taken by the self-insurer, or by any employee, or union, or association having a substantial number of employees in the employ of said self-insurer. Proceedings on such appeal shall be as prescribed in this title. Appeal by a self-insurer of notice of intention to withdraw certification shall not act as a stay of the withdrawal, unless the board, or court, for good cause shown, orders otherwise.

*NEW SECTION. Sec. 34.* (1) Every employer subject to the provisions of this title shall post and keep posted in a conspicuous place or places in and about his place or places of business a reasonable number of typewritten or printed notices of compliance substantially identical to a form prescribed by the director, stating that such employer is subject to the provisions of this title. Such notice shall advise whether the employer is self-insured or has insured with the department, and shall designate a person or persons on the premises to whom report of injury shall be made.

(2) Any employer who has failed to open an account with the department or qualify as a self-insurer shall not post or permit to be posted on or about his place of business or premises any notice of compliance with this title and any willful violation of this subsection by any officer or supervisory employee of an employer shall be a misdemeanor.

**NEW SECTION.** Sec. 35. Every self-insurer shall maintain a record of all payments of compensation made under this title. The self-insurer shall furnish to the director all information he has in his possession as to any disputed claim, upon forms approved by the director.

**NEW SECTION.** Sec. 36. (1) Whenever compensation due under this title is not paid because of an uncorrected default of a self-insurer, such compensation shall be paid from the medical aid and accidents funds only after the moneys available from the bonds or other security provided under section 27 of this 1971 amendatory act have been exhausted.

(2) Such defaulting self-insurer or surety, if any, shall be liable for payment into the appropriate fund of the amounts paid therefrom by the director, and for the purpose of enforcing this liability the director, for the benefit of the appropriate fund, shall be subrogated to all of the rights of the person receiving such compensation.

Sec. 37. Section 51.24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51.24.010 are each amended to read as follows:

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the [state for the benefit of the accident fund and the medical aid fund] *department or self-insurer*; if the other choice is made, the [accident fund and the medical aid fund] *department or self-insurer* shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured workman or if death results from his injury, his widow, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the [department for the benefit of the accident fund and the medical aid fund] *department or self-insurer* to the extent of such payments having been made by the *department or self-insurer* to the injured workman or if death results from his injury, his widow, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the [state] *department or self-insurer* may be prosecuted or compromised by the *department or self-insurer* in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good [out of the accident fund or the medical aid fund] by the *department or self-insurer* may be made only with the written approval of the *department or self-insurer*. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.

*Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.*

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the [amount to be repaid to the state of Washington as a result of said action] *department or self-insurer, to the extent of the benefits paid or payable under this title*, shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or his widow, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

Sec. 38. Section 51.28.020, chapter 23, Laws of 1961 and RCW 51.28.020 are each amended to read as follows:

Where a workman is entitled to compensation under this title he shall file with the *department or his self-insuring employer, as the case may be*, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman. *If application for compensation is made to a self-insuring employer, he shall forthwith send a copy thereof to the department.*

**NEW SECTION.** Sec. 39. There is added to chapter 51.28 RCW a new section to read as follows:

(1) Whenever a self-insuring employer has notice or knowledge of an injury or occupational disease, he shall immediately report the same to the department on forms prescribed by the director. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the employee;
- (c) The date, time, cause, and nature of the injury or occupational disease;

(d) Whether the injury or occupational disease arose in the course of the injured employee's occupation; and

(e) Such other pertinent information as the director may prescribe by regulation.

(2) Failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected in a civil action in the name of the director and paid into the medical aid fund.

Sec. 40. Section 51.32.010, chapter 23, Laws of 1961 and RCW 51.32.010 are each amended to read as follows:

Each workman injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive [out of the accident fund] compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: PROVIDED, That if an injured workman, or the surviving spouse of an injured workman shall not have the custody of a child for, or on account of whom payments are required to be made under this chapter, such payment or payments shall be made to the person having the lawful custody of such child.

Sec. 41. Section 1, chapter 107, Laws of 1961 and RCW 51.32.015 are each amended to read as follows:

The benefits of Title 51 shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business or work process in which the employer is then engaged: PROVIDED, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period in [workman hours] *his payroll* for the purpose of reporting to the department unless the workman is actually paid for such period of time.

Sec. 42. Section 51.32.020, chapter 23, Laws of 1961 and RCW 51.32.020 are each amended to read as follows:

If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a [crime] *felony*, neither the workman nor the widow, widower, child, or dependent of the workman shall receive any payment [whatsoever out of the accident fund] *under this title*.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased workman and, at the same time, as the stepchild of a deceased workman.

Sec. 43. Section 51.32.040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title [out of the accident fund or out of the medical aid fund] shall, prior to the issuance and delivery of the *check* or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, That if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, *That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death:* PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled [by the department] during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so

confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

Sec. 44. Section 51.32.100, chapter 23, Laws of 1961 and RCW 51.32.100 are each amended to read as follows:

If it is determined [by the department] that an injured workman had, at the time of his injury, a preexisting disease and that such disease delays or prevents complete recovery from such injury, [the said department] it shall be ascertained, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and the extent of permanent partial disability which the injury would have caused were it not for the disease, and [award] compensation shall be awarded only therefor.

Sec. 45. Section 51.32.140, chapter 23, Laws of 1961 and RCW 51.32.140 are each amended to read as follows:

Except as otherwise provided by treaty, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, [the department] there shall [pay] be paid fifty percent of the compensation herein otherwise provided to such beneficiary. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due.

NEW SECTION. Sec. 46. There is added to chapter 51.32 RCW a new section to read as follows:

(1) One purpose of this title is to restore the injured workman as near as possible to the condition of self-support as an able-bodied workman. Benefits for permanent disability shall be determined under the director's supervision only after the injured workman's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the workman, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the workman present himself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the workman present himself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured workman becoming fixed, the workman, employer, or self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

NEW SECTION. Sec. 47. There is added to chapter 51.32 RCW a new section to read as follows:

(1) Written notice of acceptance or denial of a claim for benefits shall be mailed by a self-insurer to the claimant and the director within seven days after the self-insurer has notice of the claim.

(2) If the self-insurer denies a claim for compensation, written notice of such denial, clearly informing the claimant of the right of appeal under this title shall be mailed or given to the claimant and the director within seven days after the self-insurer has notice of the claim.

(3) Until such time as the department has entered an order in a disputed case acceptance of compensation by the claimant shall not be considered a binding determination of his rights under this title. Likewise the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments.

(4) Upon making the first payment of income benefits, and upon stopping or changing of such benefits except where a determination of the permanent disability has been made as elsewhere provided in this title, the self-insurer shall immediately notify the director in accordance with a form to be prescribed by the director that the payment of income benefits has begun or has been stopped or changed.

(5) If, after the payment of compensation without an award, the self-insurer elects to convert the right to compensation, the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments. The acceptance of compensation by the workman or his beneficiaries shall not be considered a binding determination of their rights under this title.

(6) The director (a) may, upon his own initiative at any time in a case in which payments are being made without an award, and (b) shall, upon receipt of information from any person claiming to be entitled to compensation, from the self-insurer, or otherwise that the right to compensation is controverted, or that payment of compensation has been opposed, stopped or changed, whether or not claim has been filed, promptly make such inquiry as circumstances require, cause such medical examinations to be made, hold such hearings, make such orders, decisions or awards, and take such further action as he considers will properly determine the matter and protect the rights of all parties.

(7) The director, upon his own initiative, may make such inquiry as circumstances require or is necessary to protect the rights of all the parties and he may enact rules and regulations providing for procedures to ensure fair and prompt handling by self-insurers of the claims of workmen and beneficiaries.

**NEW SECTION.** Sec. 48. There is added to chapter 51.32 RCW a new section to read as follows:

(1) If a self-insurer fails, refuses, or neglects to comply with a compensation order which has become final and is not subject to review or appeal, the director or any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which the self-insurer may be served with process.

(2) The court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

Sec. 49. Section 51.32.180, chapter 23, Laws of 1961 and RCW 51.32.180 are each amended to read as follows:

Every workman who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his family and dependents in case of death of the workman from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in employment under [the industrial insurance and medical aid acts of the state] *this title*: PROVIDED, HOWEVER, That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

Sec. 50. Section 51.36.010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.010 are each amended to read as follows:

Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive [, in addition to such compensation and out of the medical aid fund,] proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him [out of the accident fund] shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him [out of the accident fund] shall cease: PROVIDED, That after any injured workman has returned to his work his medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his discretion, may authorize continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such workman's life. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

Sec. 51. Section 51.36.020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.020 are each amended to read as follows:

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at the expense of the medical aid fund, or *self-insurer, as the case may be*, furnish transportation to the nearest place of proper treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes [to be purchased by the department at the expense of the accident fund.] and every workman, who suffers an injury to an eye producing an error of refraction, shall be once provided [, at the expense of the accident fund,] proper and properly equipped lenses to correct such error of refraction and his



disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced [at the expense of the accident fund]. Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced [at the expense of the accident fund]. The [accident fund] *department or self-insurer* shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, [may] *shall* be provided [at the expense of the medical aid fund] and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law [, at the expense of the accident fund]. A workman, whose injury is of such short duration as to bring him within the provisions of subsection (4) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

**NEW SECTION.** Sec. 52. There is added to chapter 51.36 RCW a new section to read as follows:

The department may operate and control a rehabilitation center and may contract with self-insurers for use of any such center on such terms as the director deems reasonable.

**NEW SECTION.** Sec. 53. There is added to chapter 51.36 RCW a new section to read as follows:

Physicians attending injured employees shall comply with rules and regulations adopted by the director, and shall make such reports as may be requested by the department or self-insurer upon the condition or treatment of any injured employee, or upon any other matters concerning injured employees in their care. All medical information in the possession or control of any person and relevant to the particular injury shall be available to the employer and the department, and no person shall incur any legal liability by reason of releasing such information.

**NEW SECTION.** Sec. 54. There is added to chapter 51.36 RCW a new section to read as follows:

Whenever the director or the self-insurer deems it necessary in order to resolve any medical issue, a workman shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The director, in his discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the workman of reasonable expenses connected therewith.

**NEW SECTION.** Sec. 55. There is added to chapter 51.36 RCW a new section to read as follows:

All fees and medical charges under this title shall conform to regulations promulgated by the director.

Sec. 56. Section 51.44.070, chapter 23, Laws of 1961 as amended by section 5, chapter 274, Laws of 1961 and RCW 51.44.070 are each amended to read as follows:

For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. [Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of three percent per annum] *Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the state insurance commissioner, taking into account the experience of the reserve fund in such respects.*

*Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.*

Sec. 57. Section 51.44.080, chapter 23, Laws of 1961 and RCW 51.44.080 are each amended to read as follows:

The department shall notify the state treasurer from time to time, of such transfers as a whole from the accident fund to the reserve fund and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on [October 1st] *June 30th* of each year, apportion the interest or other earnings of the reserve fund, as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after [October 1st] *June 30th* of each year the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of [October 1st] *June 30th* of that year and the relation of its outstanding annuities at their then value on *the bases currently employed for new cases* to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than [December 31st] *September 30th* following. If the report shows that there was on said [October 1st] *June 30th*, in the reserve fund of any class in cash or at interest, a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class but, if the

report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class.

**NEW SECTION.** Sec. 58. Each self-insurer shall make such deposits, into the reserve fund, as the department shall require pursuant to RCW 51.44.070, as are necessary to guarantee the payments of the pensions established pursuant to RCW 51.32.050 and 51.32.060.

Each self-insurer shall have an account within the reserve fund. Each such account shall be credited with its proportionate share of interest or other earnings as determined in RCW 51.44.080.

Each such account in the reserve fund shall be expeted by the insurance commissioner as required for each class account in RCW 51.44.080. Any surpluses shall be forthwith returned to the respective self-insurers, and each deficit shall forthwith be made good to the reserve fund by the self-insurer.

**NEW SECTION.** Sec. 59. There is added to chapter 51.44 RCW a new section to read as follows:

The director shall impose and collect assessments each fiscal year upon all self-insurers in the amount of the estimated costs of administering their portion of this title during such fiscal year. Such assessments shall be based on a pro rata percentage of Washington payroll of each self-insurer subject to this title. The time and manner of imposing and collecting assessments due the department shall be set forth in regulations promulgated by the director in accordance with chapter 34.04 RCW.

**NEW SECTION.** Sec. 60. There is added to chapter 51.44 RCW a new section to read as follows:

The director is authorized to make periodic temporary interfund transfers between the reserve and supplemental pension funds as may be necessary to provide for payments as prescribed in RCW 51.32.070. At least once annually, the director shall cause an audit to be made of all pension funds administered by the department to insure that proper crediting of funds has been made, and further to direct transfers between the funds for any interfund loans which may have been made in the preceding year and not fully reimbursed.

Sec. 61. Section 51.48.010, chapter 23, Laws of 1961 and RCW 51.48.010 are each amended to read as follows:

Every employer [who fails to furnish an estimate of payroll and workmen hours and make payments as provided in RCW 51.16.110] shall be liable [to a penalty of not to exceed five hundred dollars] for the penalties described in this title and shall also be liable if an [accident] *injury or occupational disease* has been sustained by [an employee] a *workman* prior to the time [such estimate is received by the department,] *he has secured the payment of such compensation* to a penalty in a sum equal to fifty percent of the cost [to the accident fund and medical aid fund] for such [accident] *injury or occupational disease*, for the benefit of the [accident fund and] medical aid fund.

**NEW SECTION.** Sec. 62. There is added to chapter 51.48 RCW a new section to read as follows:

Any employer who engages in work who has wilfully failed to secure the payment of compensation under this title shall be guilty of a misdemeanor. Violation of this section is punishable, upon conviction, by a fine of not less than twenty-five dollars nor more than one hundred dollars. Each day such person engages as a subject employer in violation of this section constitutes a separate offense. Any fines paid pursuant to this section shall be paid directly by the court to the director for deposit in the medical aid fund.

Sec. 63. Section 51.48.020, chapter 23, Laws of 1961 and RCW 51.48.020 are each amended to read as follows:

Any employer, who misrepresents to the department the amount of his payroll [or the number of workman hours] upon which the premium under this title is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid [,] and for the reasonable expenses of auditing his books and collecting such sums. Such liability may be enforced in the name of the department. Such an employer shall also be guilty of a misdemeanor if such misrepresentations are made knowingly.

Sec. 64. Section 51.48.030, chapter 23, Laws of 1961 and RCW 51.48.030 are each amended to read as follows:

Every [person, firm, or corporation] employer who fails to keep the records required by this title or fails to make the reports [in the manner and at the time] provided in [chapter 51.16] *this title* shall be subject to a penalty of not to exceed one hundred dollars for each such offense.

**NEW SECTION.** Sec. 65. There is added to chapter 51.48 RCW a new section to read as follows:

Where death results from the injury and the deceased leaves no beneficiaries, a self-insurer shall pay into the supplemental pension fund the sum of ten thousand dollars.

**NEW SECTION.** Sec. 66. There is added to chapter 51.48 RCW a new section to read as follows:

If a self-insurer unreasonably delays or refuses to pay benefits as they become due there shall be paid by the self-insurer upon order of the director an additional amount equal to twenty-five percent of the amount then due which shall accrue for the benefit of the claimant and shall be paid to him with the benefits which may be assessed under this title. Such an order shall conform to the requirements of RCW 51.52.050.

**NEW SECTION.** Sec. 67. There is added to chapter 51.04 RCW a new section to read as follows:

The director shall appoint a workmen's compensation advisory committee composed of eight members: Three representing subject workmen, three representing subject employers, and two ex officio members, without a vote, one of whom represents the department, who shall be chairman, and one of whom represents self-insurers. This committee shall conduct a continuing study of any aspects of workmen's compensation as the committee shall determine require their consideration. The committee shall report its findings to the department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on the effective date of this 1971 amendatory act and the terms of the members representing the workmen and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to expenses as provided in RCW 43.03.050 and 43.03.060. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

The workmen's compensation advisory committee created by this section shall conduct a study of the advisability and necessity of deposits by self-insurers into the reserve fund to guarantee the payments of pensions established pursuant to this title, and shall report its findings and recommendations on this study to the department, and the department shall transmit said findings and recommendations to the next session of the legislature.

Sec. 68. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 3, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in [extrahazardous] employment *under this title* and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers [engaged in extrahazardous industry] *under this title*, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers [who are substantial contributors to the industrial insurance and accident fund]. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 69. Section 51.52.080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51.52.080 are each amended to read as follows:

If the notice of appeal raises no issue or issues of fact and the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal [and order a hearing to decide the issues raised].

Sec. 70. Section 51.52.090, chapter 23, Laws of 1961 and RCW 51.52.090 are each amended to read as follows:

If the appeal is not [granted] *denied* within thirty days after the notice is filed with the board, the appeal shall be deemed to have been [denied] *granted*: PROVIDED, That the board may extend the time within which it may act upon such appeal, not exceeding thirty days.

Sec. 71. Section 13, chapter 223, Laws of 1953 and RCW 38.52.290 are each amended to read as follows:

Insofar as not inconsistent with the provisions of this chapter, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the workmen's compensation act, [RCW 51.32.005 through 51.32.170] *chapter*

51.32 RCW as amended by this 1971 amendatory act and any amendments thereto. "Employee" as used in said title shall include a civil defense worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of chapter 51.32 and at the maximum rate provided therein, subject, however, to the limitations set forth in this chapter.

Sec. 72. Section 17, chapter 223, Laws of 1953 and RCW 38.52.330 are each amended to read as follows:

The department of civil defense is authorized to make all expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as civil defense workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board: PROVIDED, That nothing herein shall be construed to mean that the department of civil defense or the state civil defense council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any civil defense worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in [RCW 51.52.050 to 51.52.110] chapter 51.32 RCW as amended by this 1971 amendatory act.

Sec. 73. Section 14, chapter 207, Laws of 1953 and RCW 75.08.206 are each amended to read as follows:

The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in [RCW 51.32.005 to 51.32.170] chapter 51.32 RCW as amended by this 1971 amendatory act, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020 as now or hereafter amended.

Sec. 74. Section 51.04.030, chapter 23, Laws of 1961 and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, [provide] supervise the providing of prompt and efficient care and treatment to workmen injured in [extrahazardous work] during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, or other agency or person rendering services to injured workmen. No service covered [by such fee bill] under this title shall be charged or paid [for out of the medical aid fund] at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workmen, [he] shall approve and [certify] pay those which conform to the promulgated rules, regulations, and practices of the director and [the director] may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

NEW SECTION. Sec. 75. There is added to chapter 51.08 RCW a new section to read as follows:

"Agriculture" means the business of growing or producing any agricultural or horticultural produce or crop, including the raising of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substances obtained therefrom.

Sec. 76. Section 51.16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer not qualifying as a self-insurer shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll [and the aggregate number of workmen hours, during] for the period in which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes [provided in] established pursuant to this title, and shall pay his premium thereon to the [accident fund and medical aid] appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: PROVIDED, FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account.

Sec. 77. Section 51.16.140, chapter 23, Laws of 1961 as amended by section 2, chapter 20, Laws of 1971 and RCW 51.16.140 are each amended to read as follows:

[The] Every employer who is not a self-insurer shall deduct from the pay of each of his workmen [engaged in extrahazardous work] one-half of the amount [the employer] he is required to pay [into the medical aid fund for or on account of the employment of such workman], for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him to all employers under this title: PROVIDED, That the [employer or] state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in section 1 of [this 1971 amendatory act] chapter 20, Laws of 1971. It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him paid [into the accident fund] from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 78. Section 51.16.160, chapter 23, Laws of 1961 and RCW 51.16.160 are each amended to read as follows:

All actions for the recovery of delinquent premiums, assessments, contributions, and penalties therefor due any of the funds under this title shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the department of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact.

Sec. 79. Section 51.16.180, chapter 23, Laws of 1961 and RCW 51.16.180 are each amended to read as follows:

The director shall have the custody of all property acquired by the state at execution sale upon judgments obtained for delinquent [industrial insurance premiums or medical aid contributions,] payments and penalties therefor and costs, and may sell and dispose of the same at private sales for the sale purchase price, and shall pay the proceeds into the state treasury to the credit of the [accident fund, or medical aid fund, as the case may be] appropriate fund. In case of the sale of real estate the director shall execute the deed in the name of the state.

NEW SECTION. Sec. 80. There is added to chapter 51.08 RCW a new section to read as follows:

"Self-insurer" means an employer who has been authorized under this title to carry its own liability to its employees covered by this title.

Sec. 81. Section 51.12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex. sess. and RCW 51.12.070 are each amended to read as follows:

The provisions of this title shall apply to all [extrahazardous] work done by contract; the person, firm, or corporation who lets a contract for such [extrahazardous] work shall be responsible primarily and directly for all [payments due to the accident fund and medical aid fund] premiums upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable [to the accident fund and medical aid fund,] in premiums and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any county, city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title or proof that such person has qualified as a self-insurer.

NEW SECTION. Sec. 82. There is added to chapter 51.12 RCW a new section to read as follows:

(1) If a workman, while working outside the territorial limits of this state, suffers an injury on account of which he, or his beneficiaries, would have been entitled to compensation under this title had such injury occurred within this state, such workman, or his beneficiaries, shall be entitled to compensation under this title: PROVIDED, That if the time of such injury:

- (a) His employment is principally localized in this state; or
- (b) He is working under a contract of hire made in this state for employment not principally localized in any state; or
- (c) He is working under a contract of hire made in this state for employment principally localized in another state whose workmen's compensation law is not applicable to his employer; or
- (d) He is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of compensation under the workmen's compensation law of another state, territory, province, or foreign nation to a workman or his beneficiaries

otherwise entitled on account of such injury to compensation under this title shall not be a bar to a claim for compensation under this title: PROVIDED, That claim under this title is timely filed. If compensation is paid or awarded under this title, the total amount of compensation paid or awarded the workman or beneficiary under such other workmen's compensation law shall be credited against the compensation due the workman or beneficiary under this title.

(3) If a workman or beneficiary is entitled to compensation under this title by reason of an injury sustained in this state while in the employ of an employer who is domiciled in another state and who has [n]either opened an account with the department nor qualified as a self-insurer under this title, such an employer or his insurance carrier shall file with the director a certificate issued by the agency which administers the workmen's compensation law in the state of the employer's domicile, certifying that such employer has secured the payment of compensation under the workmen's compensation law of such other state and that with respect to said injury such workman or beneficiary is entitled to the benefits provided under such law. In such event:

(a) The filing of such certificate shall constitute appointment by the employer or his insurance carrier of the director as its agent for acceptance of the service of process in any proceeding brought by any claimant to enforce rights under this title;

(b) The director shall send to such employer or his insurance carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the director by the claimant in any proceeding brought to enforce rights under this title;

(c) (i) If such employer is a self-insurer under the workmen's compensation law of such other state, such employer shall, upon submission of evidence or security, satisfactory to the director, of his ability to meet his liability to such claimant under this title, be deemed to be a qualified self-insurer under this title;

(ii) If such employer's liability under the workmen's compensation law of such other state is insured, such employer's carrier, as to such claimant only, shall be deemed to be subject to this title: PROVIDED, That unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this title, the insurer's liability for compensation shall not exceed its liability under the workmen's compensation law of such other state;

(d) If the total amount for which such employer's insurer is liable under (c) (ii) above is less than the total of the compensation to which such claimant is entitled under this title, the director may require the employer to file security satisfactory to the director to secure the payment of compensation under this title; and

(e) If such employer has neither qualified as a self-insurer nor secured insurance coverage under the workmen's compensation law of another state, such claimant shall be paid compensation by the department;

(f) Any such employer shall have the same rights and obligations as other employers subject to this title and where he has not provided coverage or sufficient coverage to secure the compensation provided by this title to such claimant, the director may impose a penalty payable to the department of a sum not to exceed fifty percent of the cost to the department of any deficiency between the compensation provided by this title and that afforded such claimant by such employer or his insurance carrier if any.

(4) As used in this section:

(a) A person's employment is principally localized in this or another state when (i) his employer has a place of business in this or such other state and he regularly works at or from such place of business, or (ii) if clause (i) foregoing is not applicable, he is domiciled in and spends a substantial part of his working time in the service of his employer in this or such other state;

(b) "Workmen's compensation law" includes "occupational disease law" for the purposes of this section.

(5) A workman whose duties require him to travel regularly in the service of his employer in this and one or more other states may agree in writing with his employer that his employment is principally localized in this or another state, and, unless such other state refuses jurisdiction, such agreement shall govern as to any injury occurring after the effective date of the agreement.

(6) The director shall be authorized to enter into agreements with the appropriate agencies of other states and provinces of Canada which administer their workmen's compensation law with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another, and when any such agreement has been executed and promulgated as a regulation of the department under chapter 34.04 RCW, it shall bind all employers and workmen subject to this title and the jurisdiction of this title shall be governed by this regulation.

Sec. 83. Section 51.16.040, chapter 23, Laws of 1961 and RCW 51.16.040 are each amended to read as follows:

The compensation and benefits provided for occupational diseases shall be paid [from the same funds] and in the same manner as compensation and benefits for injuries under [the industrial insurance and medical aid acts and the contributions of employers to pay for occupational diseases shall be determined, assessed, and collected in the same manner and as a part of the premiums for employment under the mandatory or elective adoption provisions of this title] *this title*.

Sec. 84. Section 2, chapter 151, Laws of 1963 and RCW 51.16.042 are each amended to read as follows:

Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workmen in the environmental research facility thereat, [each class of industry] *all employers shall bear [its] their proportionate share of the cost therefor [accrued during any fiscal year based on average workman hours of exposure over the preceding two year calendar period]. The director may require payments to the department from all employers under this title and may make rules and regulations in connection therewith, which costs shall be paid from the department, in lieu of the previous provisions of RCW 28B.20.458.*

Sec. 85. Section 51.12.110, chapter 23, Laws of 1961 and RCW 51.12.110 are each amended to read as follows:

Any employer [engaged in any occupation other than those enumerated or declared to be under this title, may make written application to the director to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon the director, through the division of industrial insurance, shall fix such rates, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. When such rate is fixed the applicant] *who has in his employment any exempt person may file notice in writing with the [supervisor of industrial insurance] director of his [or its] election to [contribute under] be subject to this title, and shall forthwith display in a conspicuous manner about his [or its] works and in a sufficient number of places to reasonably inform his [or its] workmen of the fact, printed notices furnished by the department stating that he [or it] has so elected [to contribute to the accident fund and the medical aid fund] and stating when said election will become effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his [or its] workmen as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his acceptance of liability under this title by filing written notice with the director of the withdrawal of his acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected workman or workmen work and shall otherwise notify personally the affected workmen. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.*

Sec. 86. Section 51.16.105, chapter 23, Laws of 1961 and RCW 51.16.105 are each amended to read as follows:

All [administrative] expenses of the safety division of the department [, except those incurred by the administration of chapter 19.28,] *pertaining to workmen's compensation shall be [financed from] paid by the [combined receipts of the accident and medical aid funds] department and financed by premiums and by assessments collected from a self-insurer as provided in this title. [The administrative expense paid from the accident fund shall not exceed four percent, and from the medical aid fund it shall not exceed one and one-half percent. But in no case shall the total expense paid from the combined receipts of both funds exceed five percent. The percentage shall be computed on the combined average annual receipts for the five previous fiscal years.]*

**NEW SECTION.** Sec. 87. There is added to chapter 51.16 RCW a new section to read as follows:

In every case where an employer insured with the state fails or refuses to file any report of payroll required by the department and fails or refuses to pay the premiums due on such unreported payroll, the department shall have authority to estimate such payroll and collect premiums on the basis of such estimate.

If the report required and the premiums due thereon are not made within ten days from the mailing of such demand, the employer shall be in default as provided by this title and the department may have and recover judgment or file liens for such estimated premium or the actual premium, whichever is greater.

**NEW SECTION.** Sec. 88. Whenever the term "state fund" is used in the provisions of this 1971 amendatory act, it shall mean those funds held by the state or any agency thereof for the purposes of this title.

**NEW SECTION.** Sec. 89. The following acts or parts of acts are each hereby repealed:

- (1) Section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010;
- (2) Section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020;

- (3) Section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030;  
 (4) Section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; and  
 (5) Section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080.

*NEW SECTION.* Sec. 90. The provisions of this 1971 amendatory act are 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, 1971: PROVIDED, That RCW 51.08.070 as amended by section 1 of this 1971 amendatory act, RCW 51.12.010 as amended in section 2 of this 1971 amendatory act, RCW 51.12.020 as amended in section 3 of this 1971 amendatory act and RCW 51.16.110 as amended in section 4 of this 1971 amendatory act shall take effect and become operative without any further action of the legislature on January 1, 1972.

*NEW SECTION.* Sec. 91. There is added to chapter 51.98 RCW a new section to read as follows:

If any provision of this 1971 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: PROVIDED, That nothing in this section shall affect or invalidate any of the provisions of RCW 51.04.090.

Signed by: Senators Greive, McDougall and Stortini; Representatives Grant and Hubbard.

#### MOTION

On motion of Senator Greive, the report of the Free Conference Committee on Engrossed House Bill No. 735 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 735, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 5; absent or not voting, 5; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Gardner, Greive, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Walgren, Washington, Whetzel, Wilson—37.

Voting nay: Senators Clarke, Guess, Huntley, Twigg, Woodall—5.

Absent or not voting: Senators Andersen, Donohue, Durkan, Francis, Gissberg—5.

Excused: Senators Lewis, Stender—2.

ENGROSSED HOUSE BILL NO. 735, 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.

#### MOTION FOR RECONSIDERATION

Senator Day moved that the Senate immediately reconsider the vote by which the Senate failed to pass Engrossed House Joint Resolution No. 47.

Debate ensued.

The motion carried.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 47, and the resolution on reconsideration passed the Senate by the following vote: Yeas, 33; nays, 11; absent or not voting, 3; excused, 2.

Voting yea: Senators Andersen, Atwood, Bailey, Clarke, Connor, Cooney, Elicker, Fleming, Foley, Francis, Gardner, Greive, Henry, Herr, Holman, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Whetzel—33.

Voting nay: Senators Canfield, Day, Dore, Guess, Huntley, Jolly, Newschwander, Talley, Twigg, Wilson, Woodall—11.

Absent or not voting: Senators Donohue, Durkan, Gissberg—3.



Excused: Senators Lewis, Stender—2.

ENGROSSED HOUSE JOINT RESOLUTION NO. 47, having received the constitutional two-thirds majority, was declared passed.

### SECOND READING

ENGROSSED HOUSE BILL NO. 464, by Representatives Hoggins, Brouillet, King, Jones and Cunningham (by Joint Committee on Education request):

Implementing law relating to acquisition of state lands by school districts or institutions of higher education.

### REPORT OF STANDING COMMITTEE

April 1, 1971.

ENGROSSED HOUSE BILL NO. 464, implementing law relating to acquisition of state lands by school districts or institutions of higher education (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, section 1, line 1, strike everything down to and including line 12 and insert *“Except as otherwise provided in section 2 of this 1971 amendatory act, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department of natural resources may offer such land for sale or lease to such school district or institution of higher education in such maximum acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the state board of education: PROVIDED, That in the event the department thereafter proposes to offer such land for sale or lease at public auction such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board of natural resources.”*

Signed by: Senators Francis, Chairman; Fleming, Metcalf, Murray, Odegaard, Peterson (Ted), Ridder, Washington.

The bill was read the second time by sections.

On motion of Senator Mardesich, the committee amendment was adopted.

On motion of Senator Ridder, 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.

Debate ensued.

### 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, 41; absent or not voting, 6; excused, 2.

Voting yea: Senators Atwood, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Fleming, Foley, Francis, Gardner, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—41.

Absent or not voting: Senators Andersen, Bailey, Donohue, Durkan, Gissberg, Newschwander—6.

Excused: Senators Lewis, Stender—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.

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

## REPORT OF CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 411, increasing fees payable to state pharmacy board, have had the same under consideration, and we recommend that the Senate recede from its amendments and pass the bill as amended by the House.

Signed by: Senators Day, Woodall and Cooney; Representatives Eikenberry, Farr and Jastad.

## MOTION

On motion of Senator Day, the report of the Conference Committee on Engrossed House Bill No. 411 was adopted.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 411 as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 9; excused, 2.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Dore, Elicker, Foley, Gardner, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—38.

Absent or not voting: Senators Andersen, Donohue, Durkan, Fleming, Francis, Gissberg, Herr, Newschwander, Stortini—9.

Excused: Senators Lewis, Stender—2.

ENGROSSED HOUSE BILL NO. 411, as amended by the 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

The time having arrived, the Senate resumed consideration of the House message on Engrossed House Bill No. 501 and the motion by Senator Talley that the Senate recede from its amendments.

Debate ensued.

Senator Mardesich demanded a roll call on the motion by Senator Talley and the demand was sustained by Senators Metcalf, Woodall, McCutcheon, Walgren, Atwood, Washington, Fleming, Donohue and Knoblauch.

## ROLL CALL

The Secretary called the roll and the motion by Senator Talley that the Senate recede from its amendments to Engrossed House Bill No. 501 failed by the following vote: Yeas, 20; nays, 21; absent or not voting, 6; excused, 2.

Voting yea: Senators Andersen, Connor, Elicker, Herr, Holman, Huntley, Jolly, Knoblauch, McCutcheon, McDougall, Matson, Murray, Sandison, Scott, Stortini, Talley, Twigg, Washington, Whetzel, Wilson—20.

Voting nay: Senators Atwood, Bailey, Canfield, Cooney, Day, Donohue, Durkan, Fleming, Gardner, Gissberg, Greive, Guess, Keefe, Mardesich, Metcalf, Newschwander, Peterson (Lowell), Peterson (Ted), Ridder, Walgren, Woodall—21.

Absent or not voting: Senators Clarke, Dore, Foley, Francis, Henry, Odegaard—6.

Excused: Senators Lewis, Stender—2.

The motion failed and the Senate adhered to its position and asks the House to recede therefrom.

## PERSONAL PRIVILEGE

Senator Andersen: "I note by the clock that it is just before midnight on the sixtieth day of this special session. There are some of us who have been working night and day on these budget and tax bills that have to pass, apparently at least, according to our Constitution, in sixty days. The Conference Committee on taxes, of which I was a member until just a short time ago, came out with a joint conference report on taxes. That report was read in in the House because the House had possession of the bill. I believe this was under the title of Senate Bill No. 897, the conference vehicle. Unfortunately, as things sometimes go, the electronic voting machine in the House broke down, which left the taxation bill under consideration and the budget bill, I understand, is also under consideration at this same time. There has been some concern that these bills would be dead as of the magic witching hour of twelve o'clock. On the other hand, I have conferred with the attorney general of the state of Washington concerning these matters, and while of course nothing is clear in a field like this or in a situation like this, I have reason to believe, as an attorney, as a legislator, and after having conferred with the attorney general, that if we continue on with these bills that are under consideration, that very possibly, or very likely perhaps would be a better expression, if the bills pass they will not be subject to constitutional attack as not having been passed within sixty days.

"In other words, Mr. President, I wish to put into the record for the information of the President of the Senate and the members of the Senate that despite everything we could do, and it has been a long night and a long week and a long several weeks and a long session, these bills are on the desks under consideration in the House of Representatives and so far as I am concerned I think that if we can pass these bills that are actively under consideration while we remain in session and continue to act on them, rather than skipping a day or stopping the clock for a day or something like that, that courts of this state and the law of this state, being in essence common sense, would very likely uphold the budget bill and the tax bill. I do not guarantee this because no one can do that, but I do believe that this is something I should point out for the members and for the President's information, I do in my own humble opinion believe we should continue on with these bills until we can pass them or defeat them and hopefully end this session on a productive note."

## MOTIONS

On motion of Senator Woodall, all reference to time is to be expunged from the record.

On motion of Senator Greive, the Senate recessed subject to the Call of the Chair.

## THIRD EVENING SESSION

The President called the Senate to order.

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

## SENATE RESOLUTION: 1971-EX-88

By Senator McDougall:

WHEREAS, The Disabled American Veterans is a federally chartered veteran's organization established for the purpose of providing for the welfare of the service-connected disabled veteran and his dependents; and

WHEREAS, During the year 1971, Disabled American Veterans is celebrating its Fiftieth Anniversary; and

WHEREAS, This organization for fifty years has devoted itself to providing service to disabled veterans and their dependents; and

WHEREAS, Disabled American Veterans has also been a leader in sponsoring legislation for the benefit and welfare of our Nation's wartime disabled and their loved ones; and

WHEREAS, It is fitting and proper that all federal, state and local governments give recognition to this outstanding service and take due cognizance of the Fiftieth Year of assisting our Nation's war disabled by this patriotic and humanitarian organization;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Senate does hereby desire to recognize and pay tribute to the Disabled American Veterans Organization upon its Fiftieth Anniversary and does hereby declare the date of August 9, 1971, as a special day to honor the Disabled American Veterans.

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted to state and local government offices so that they may appropriately give recognition to the Disabled American Veterans on August 9, 1971.

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted to the Disabled American Veterans National Headquarters with a request that the Resolution be

displayed to all delegates attending the Fiftieth National Convention of the Disabled American Veterans to be held in Detroit, Michigan, August 8-13, 1971.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION: 1971-EX-90

By Senators Peterson (Lowell), Peterson (Ted), Talley, Bailey and Donohue:

WHEREAS, The state of Washington has successfully regulated hunting for a number of years; and

WHEREAS, The hunters of this state have consistently supported and obeyed such laws; and

WHEREAS, The hunting of deer and elk in this state is of major importance to sportsmen, ecologists and our economy; and

WHEREAS, The problems involved in hunting female deer and elk have been before this Legislature regularly; and

WHEREAS, The question by many citizens has arisen as to the desirability of continued either sex seasons on a state-wide basis;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee on Fisheries, Game and Gamefish is requested to undertake a study of the hunting of female deer and elk to see if such hunting is being used effectively as a game management tool.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature, or if available, to any extraordinary session of the legislature convened in 1972.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION: 1971-EX-91

By Senators Peterson (Lowell), Talley, Bailey, Metcalf and Peterson (Ted):

WHEREAS, The people of this state are very concerned with preserving the ecological balance of nature in this state; and

WHEREAS, There have been instances where the welfare of wild animals, domestic and foreign, may have been abused; and

WHEREAS, Existing statutes are not clear and decisive as to the state's responsibility and powers in this area; and

WHEREAS, The Legislature needs to study this problem in great detail during ensuing years;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee on Fisheries, Game and Gamefish is requested to study the overall problem of the general welfare of wild domestic and foreign animals.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature, or if available, to any extraordinary session of the Legislature convened in 1972.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

SENATE RESOLUTION: 1971-EX-92

By Senators Peterson (Lowell), Talley, Bailey, Metcalf and Peterson (Ted):

WHEREAS, This state has developed outstanding capabilities for the production of certain species of foodfish; and

WHEREAS, This production may result in surplus stocks of certain species of foodfish; and

WHEREAS, There have been many suggestions as to possible methods of harvesting and disposing of such surplus stocks of foodfish; and

WHEREAS, This problem may become increasingly burdensome in years to come; and

WHEREAS, The Legislature needs information on this subject to guide its future deliberations on this matter;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee on Fisheries, Game and Gamefish is requested to undertake a study of surplus stocks of foodfish.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature for its consideration, or if available, to any extraordinary session of the Legislature convened in 1972.

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

## SENATE RESOLUTION: 1971-EX-93

By Senators Fleming, Day and Peterson (Ted):

WHEREAS, The optimum nutritional status of the people of the state of Washington is essential for the maintenance of the public health; and

WHEREAS, The Legislature should be informed of the status of the level of nutrition of the people, particularly in view of the victims of the economic downturn who have swelled the ranks of the hungry and made the problem of feeding the malnourished more difficult than ever; and

WHEREAS, A most recent federal nutritional study has shown that twenty-three percent of the persons surveyed in Washington state suffered from insufficient amounts of Vitamin A, protein, and other basic nutrients;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council, through its Committee on Public Health and Public Assistance, is requested to undertake a study of the nutritional needs of the people, including an inquiry into a greater utilization of agricultural and fish products, to better meet the nutritional requirements of the needy and underprivileged citizens of the state.

BE IT FURTHER RESOLVED, That the results of this study be reported, with recommendations, to the next regular session of the Legislature.

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

## SENATE RESOLUTION: 1971-EX-94

By Senator Scott:

WHEREAS, Electronic roll call systems have been installed in at least one chamber in thirty-seven states and have proven themselves to be successful; and

WHEREAS, A great deal of time has been saved by the use of such systems in the conduct of legislative business; and

WHEREAS, Such electronic machines provide a strictly accurate account, along with a permanent, tamper-proof record of the vote of the legislative body; and

WHEREAS, These systems have the advantage of informing the public immediately, positively and accurately of how each individual legislator has cast his vote; and

WHEREAS, The Senates of the states of Alaska, Florida, Indiana, Louisiana, Maryland, Minnesota, Montana, New York, North Dakota, Tennessee and Virginia have installed such devices;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on facilities and operations study the feasibility and costs of various electronic voting devices and the possible installation in Washington State Senate chambers, and report back its findings to the 1972 session of the Legislature.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

## SENATE RESOLUTION: 1971-EX-95

By Senators Peterson (Lowell) and Peterson (Ted):

WHEREAS, Oysters, clams and other shellfish are a valuable natural resource; and

WHEREAS, There may be some confusion in the minds of the people of this state as to who is the proper issuing authority for commercial harvesting permits for oysters, clams and other shellfish; and

WHEREAS, Such confusion may be caused by regulations issued by different departments and agencies of state government;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Interim Committee on Fisheries, Game and Gamefish is requested to undertake a study of the proper issuing authority for commercial harvesting permits for oysters, clams and other shellfish.

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the Legislature for its consideration, or if available, to any extraordinary session of the Legislature convened in 1972.

On motion of Senator Peterson (Lowell), the following resolution was adopted:

## SENATE RESOLUTION: 1971-EX-96

By Senators Peterson (Lowell) and Peterson (Ted):

WHEREAS, The regulation of fishing is of great importance to the people of this state; and

WHEREAS, There may never have been a systematic reexamination of all laws granting discretionary powers to the director of fisheries; and

WHEREAS, There may be a need for the Legislature to reevaluate such laws;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Interim Committee on Fisheries, Game and Gamefish is requested to undertake a study of existing laws relating to the discretionary powers of the director of fisheries.

BE IT FURTHER RESOLVED, That the Interim Committee appoint an advisory committee of twelve citizens of this state knowledgeable in commercial fishing and/or sport fishing to aid such study.

BE IT FURTHER RESOLVED, That the committee report the results of the study and any recommendations to the next regular session of the Legislature for its consideration, or if available, to any extraordinary session of the Legislature convened in 1972.

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

SENATE RESOLUTION: 1971-EX-97

By Senators Day and Peterson (Ted):

WHEREAS, It is in the public interest to give consumers of health care a more adequate choice between expensive brand name drugs and their chemical equivalents, in order to reduce the cost of health care; and

WHEREAS, Drug expenditures for medical purposes account for about twenty percent of consumer expenditures, but for persons over sixty-five were two and one-half times as great; and

WHEREAS, According to a recent survey the mean cost for brand name prescriptions was ninety cents, as compared to sixty-six cents for generic prescriptions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Legislative Council, through the Public Health and Public Assistance Committee, to conduct a study of the pricing of drugs and pharmaceuticals; and

BE IT FURTHER RESOLVED, That the results of this study and recommendations be presented to the next regular session of the Legislature for its consideration.

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

SENATE RESOLUTION: 1971-EX-98

By Senators Ridder, Dore and Greive:

WHEREAS, Private schools in the State of Washington are experiencing severe financial crises which may force substantial closures, thereby creating a potent and unanticipated burden on the public schools; and

WHEREAS, Numerous bills considered by this session of the legislature have proposed that the state provide assistance for such private schools; and

WHEREAS, Numerous other proposals, such as special taxation and voucher systems, have been made to assist private schools; and

WHEREAS, The Joint Committee on Education, during the last biennium, devoted considerable attention to the problems of private school education;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Joint Committee on Education continue its studies of the problems of private school education and the proposals for the solutions of these problems and submit its findings to the next regular session of the legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Chairman of the Joint Committee on Education.

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

SENATE RESOLUTION: 1971-EX-99

By Senators Atwood and Whetzel:

WHEREAS, Local government in Washington includes numerous single-purpose special districts, including water districts, sewer districts, library districts, fire districts, mosquito control districts, diking and drainage districts, and many others; and

WHEREAS, Such a multiplicity of single-purpose governmental units would seem unable to provide services with as great efficiency and effectiveness as could one or more multi-purpose or broad-purpose governmental units; and

WHEREAS, The need for economy, efficiency, and maximum cost-effectiveness in providing governmental services is especially acute at this time;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council is requested to undertake a study (1) to determine the feasibility of replacing the existing local pattern of single-purpose special districts with one or more multi-purpose or broad-purpose service districts, (2) to develop draft legislation implementing such a plan of

action if found feasible, and (3) to analyze any existing proposed legislation on the subject, including Senate Bill No. 388; and

BE IT FURTHER RESOLVED, That the results of the study and any recommendations be presented to the next regular session of the legislature for its consideration, or, if ready, to an earlier special session if called.

Senator Durkan moved adoption of the following resolution:

SENATE RESOLUTION: 1971-EX-100

By Senators Durkan, Ridder and Knoblauch:

WHEREAS, Senate Bill No. 315, and a companion measure, House Bill No. 444, commonly known as the Unit Pricing Bills, purport to have as their aims the enhancement of consumer protection; and

WHEREAS, Information which the consumer needs to determine true unit price can be provided in various ways; and

WHEREAS, The proposed legislation could place an additional burden on the general fund of the state, in the form of costs of enforcement, at a time when the resources of the general fund are already extended to their fullest limits;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Legislative Council is hereby directed and authorized to undertake a study of consumer protection, and especially as unit pricing relates thereto, and to make recommendations to the 1972 extraordinary session of the Legislature.

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

On the second line of the last paragraph, strike "Legislative Council" and insert "Interim Committee on Banking, Insurance and Utility Regulation".

The resolution, as amended, was adopted.

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

SENATE RESOLUTION: 1971-EX-101

By Senator Durkan:

WHEREAS, The establishment and continuation of harmonious relations between employers and employees in all areas of commerce, industry and agriculture in the state of Washington is a recognized need; and

WHEREAS, Legislation designed to prescribe the rights of employers and employees and to provide orderly procedures for preventing interference by either with the legitimate rights of the other; and

WHEREAS, Such legislation would delegate to a department of state government the authority and duty to formulate and enforce such rules and regulations as may be deemed necessary to accomplish the desired goals; and

WHEREAS, The apparent lack of unity among some of the groups which would be affected by such legislation, rules and regulations emphasizes the necessity for a continued and thorough study of the presentations made by the affected segments of our economy;

NOW, THEREFORE, BE IT RESOLVED, That the Legislative Council, through its committee on labor, is requested by the Senate to undertake a study of the problems outlined in proposed legislation currently before the 42nd Legislature and to present the results of the study, together with recommendations, to the next regular session of the Legislature, or to the next ensuing session if such study and recommendations are completed at the time of the calling of such ensuing session.

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

SENATE RESOLUTION: 1971-EX-102

By Senators Durkan, Atwood and Foley:

WHEREAS, In pursuance of a viable system of state government, the related activities of budget preparation and money appropriation are close to the essence of public policy; and

WHEREAS, Current practice in our state places control over budget preparation in the hands of the executive, and over appropriations in the legislative branch; and

WHEREAS, Each branch, therefore, has a major obligation of carrying out its functions thoroughly and effectively, for the public good; and

WHEREAS, Washington's 1959 Budget and Accounting Act, despite being considered a step forward in state budgetary matters has, nevertheless, provided only the executive the

necessary authority leading to a strong budget, while failing to make commensurate reforms in the legislative branch; and

WHEREAS, The appropriation process, to be effective, involves, among other activities, reviewing executive budget presentations, examining reports on past fiscal operations, and bringing all information to bear as the appropriation bill is undergoing legislative consideration; and

WHEREAS, Despite a statutory mandate providing the Legislature with authority to participate in the executive budget hearings and to receive agency budget requests immediately upon their receipt by the executive budget office, the Legislature of the State of Washington is actually only involved in the adoption stage of the budgetary cycle; and

WHEREAS, Unless there is direct involvement during the budget formulation stage, it is usually too late to accomplish the extensive pre-session analysis necessary to assure that the legislative budget review does not either attenuate under a mass of minor detail or become superficial and ineffectual; and

WHEREAS, It has become abundantly clear that the appropriation process in both Houses of the Legislature has devolved into an inadequate procedure which has satisfied no worthwhile objective; and

WHEREAS, That reaction has led to the establishment of separate organizations and procedures in both Houses directed toward budgetary analysis and appropriation, which has resulted in an overlap and duplication of organization and effort with respect to both legislators and staff, and in direct contravention to the time and facilities available; and

WHEREAS, In order to assure that the prerogatives and decisions from both Houses will be considered independently, several official versions of the legislative budget are actually printed and disseminated together with the substantiating and explanatory detail required in each case; and

WHEREAS, It is evident the same objectives can be accomplished, and the same prerogatives can be maintained with far less difficulty in the modes and procedures, and at far less expense with regard to time and effort by the adoption of joint hearing procedures acceptable to both Houses; and

WHEREAS, Such joint efforts and legislative budget and appropriation procedures have been proven successful in several states of the nation, with cooperative procedures allowing far greater in-depth consideration and critical scrutiny, at less cost and effort, than presently being accomplished in Washington State;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Legislative Budget Committee be requested to undertake a study of the procedures utilized in selected states to determine the criteria involved in successful legislative budget analysis and appropriation procedures, and to develop an acceptable organization and procedural plan for pre-session executive budget analysis and in-session legislative appropriation functions; and

BE IT FURTHER RESOLVED, That the Legislative Budget Committee shall seek the advice and consultation of the Secretary of the Senate and the Chief Clerk of the House, both of whom will serve in an ex-officio capacity in the deliberations of the Committee, and that the results of such study together with conclusions and recommendations, and suggested legislation if any, be presented to the next session of the Legislature for its consideration; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Chief Clerk of the House, and to the Legislative Budget Committee.

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

#### SENATE RESOLUTION: 1971-EX-103

By Senator Mardesich:

WHEREAS, Mobile homes are serving as permanent residences and as recreation vehicles in rapidly increasing numbers across this state; and

WHEREAS, The multiplicity of zoning standards and building codes, and the fragmentation of regulatory authority among state agencies, counties, cities, and other political subdivisions are creating extreme confusion and frustration for mobile home owners, park operators, and manufacturers alike; and

WHEREAS, Uniform laws and regulations relating to the construction of mobile homes are essential to provide manufacturers with uniform, reasonable standards and to provide residents with safe and habitable mobile homes; and

WHEREAS, Correlation and coordination of state, county, and city regulatory authority, including zoning powers, are necessary to protect the interests of mobile home owners, mobile home park operators, and the other property owners and residents of the state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby requests the Joint Interim Committee on Banking, Insurance, and Utility Regulation to study the problems of mobile home owners, mobile home park operators, and mobile home manufacturers and the advisability and feasibility of establishing uniform laws and regulations regarding all aspects of mobile homes which would provide for the coordinated application of state and local regulatory authority;

BE IT FURTHER RESOLVED, That the Senate requests the Joint Interim Committee



on Banking, Insurance, and Utility Regulation submit a report of its findings and recommendations and proposed corrective legislation to the next regular session of the Legislature.

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

SENATE RESOLUTION: 1971-EX-104

By Senators Lewis and Walgren:

WHEREAS, The law enforcement officers of this state perform their duties in an outstanding manner each and every day throughout the year; and

WHEREAS, The week of May 9th through May 15th is Police Appreciation Week throughout the cities and towns of Washington; and

WHEREAS, It is fitting and proper that all our law enforcement officers be saluted state-wide for their devotion to duty, especially during "their" week; and

WHEREAS, Events of Thursday, May 6, 1971 are illustrative of the unselfish way that our law enforcement officers perform their duties; and

WHEREAS, On the aforementioned day Sergeant Dick Minshull, Olympia Police Department, and Major N. E. (Joe) Hair, Washington State Patrol, took action to save innocent people from a gunman and thereby saved additional citizens from fear and harm; and

WHEREAS, The actions of Sergeant Minshull and Major Hair showed the citizens of this state the meaning of police courage and the benefits of tireless training;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate commends all law enforcement officers throughout the state during Police Appreciation Week; and

BE IT FURTHER RESOLVED, That Sergeant Minshull and Major Hair be commended for their efforts; and

BE IT FURTHER RESOLVED, That all law enforcement officers be commended for the hazards they face daily and the life saving decisions they make in a prompt and efficient manner.

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

SENATE RESOLUTION: 1971-EX-105

By Senators Ridder and Fleming:

WHEREAS, Many persons teach in a private school in the state prior to their teaching in public schools; and

WHEREAS, The general public may receive some benefit from this private school service; and

WHEREAS, Several of the private schools have not provided retirement benefits which are vested upon the transfer from private to public school teaching; and

WHEREAS, Upon retirement the reduction in benefits caused by lack of credit for private school service causes hardships on retirees;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the State Public Pension Commission be requested to conduct a study as to the feasibility of granting service credit for private school teaching by the Washington State Teachers' Retirement System and to make a full report of such study, together with recommendations for action, to the Forty-third Regular Session of the Legislature. The report and recommendations shall consider, among other things, costs of providing such service credit, effect of such credit upon other members of the retirement system and what effect, if any, such service credit may have on the Federal tax position of the retirement system; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the said Public Pension Commission.

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

SENATE RESOLUTION: 1971-EX-106

By Senators Walgren, Gardner and Twigg:

WHEREAS, The nation and the state of Washington are undergoing tremendous problems in the field of civil disturbances, campus unrest and the breakdown of social mores; and

WHEREAS, A drug culture has arisen in the state of Washington, which has evidenced a greater increase in the use and sale of narcotics and "hard drugs" than at any time in the state's history; and

WHEREAS, The bulwark of the protection of persons and property lies in efficient, even-handed and professional law enforcement at the local level; and

WHEREAS, The training and utilization of informed, capable and fair police officers is paramount in any effective program of local law enforcement;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE, That the Legislative Municipal Committee be authorized and directed to undertake studies, as deemed necessary, to enable local governments to meet the demands of problems encompassing, but not limited to, control and policing of civil disturbances, campus unrest, narcotics law enforcement and the training of capable and professional law enforcement officers; and

BE IT FURTHER RESOLVED, That the Legislative Municipal Committee utilize the assistance of the Association of Washington Cities, the Washington Association of Counties, the Association of Washington Sheriffs, the Association of Washington Chiefs of Police, the Judicial Council, the Law Enforcement Officers' Training Commission, and any similar state or county or local agency or association in the development of its studies; and

BE IT FURTHER RESOLVED, That copies of this resolution be furnished the cities and the counties of the state, the organizations named above and other interested individuals and groups.

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

SENATE RESOLUTION: 1971-EX-107

By Senators Day, Metcalf, Stortini and Francis:

WHEREAS, It is in the interest of public health and safety to reduce the number of injuries and deaths caused by flammable fabrics; and

WHEREAS, It is the responsibility of the state to provide procedures of reporting circumstances leading to the cause of injuries and deaths; and

WHEREAS, The legislature recognizes the importance of determining who has been injured, and which products are involved in such injuries or deaths as a beginning of preventative measures; and

WHEREAS, The Department of Social and Health Services, the Insurance Commissioner's office and the Department of Labor and Industries have been involved in various aspects of injury control and prevention;

NOW, THEREFORE, BE IT RESOLVED, That the Senate requests the Legislative Council to undertake a study of the injuries and deaths caused by burning and propose a coordinated system of prevention and control through legislation or appropriate administrative action; and

BE IT FURTHER RESOLVED, That the Legislative Council is requested to consult with the Department of Social and Health Services, Insurance Commissioner's office, and the Department of Labor and Industries and with other groups as it deems necessary; and

BE IT FURTHER RESOLVED, That the Legislative Council submit a report of its findings and recommendations to the next regular session of the Legislature, or, if available, to the special session of the Legislature to be convened in January, 1972.

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

SENATE RESOLUTION: 1971-EX-108

By Senators Holman, Huntley, Wilson, Sandison and Matson:

WHEREAS, The Joint Committee on Higher Education conducted a study of the feasibility of establishing a Polytechnic Institute in Washington pursuant to 1969 House Resolution No. 69-127; and

WHEREAS, The study performed by the Joint Committee on Higher Education indicated not only the feasibility but the appropriateness of establishing polytechnic programs in existing facilities to meet existing needs and the establishment of a Polytechnic Institute in the mid 1970's; and

WHEREAS, The study recommended several alternative solutions to the short term problem;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Joint Committee on Higher Education prepare a study on the best possible way to utilize existing facilities to meet the short term, immediate needs of the State of Washington.

BE IT FURTHER RESOLVED, That the results of the study on short term utilization including recommended legislation be reported to the members of the 42nd Session of the Legislature no later than January, 1972; and

BE IT FURTHER RESOLVED, That the Joint Committee on Higher Education shall prepare a study relating to the appropriate steps necessary to establish a Polytechnic Institute in the State of Washington by the mid 1970's for presentation to the members of the 43rd Legislature no later than January 1, 1973.

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

## SENATE RESOLUTION: 1971-EX-109

By Senators Holman, Huntley, Wilson, Sandison and Matson:

WHEREAS, The 1969 Washington Legislature enacted the 1969 Education Code which separated the Education Code (Title 28) into separate parts relating to the common schools (Title 28A) and higher education (Title 28B); and

WHEREAS, Some substantive revision of Title 28B was made to reflect current practices in higher education, very little major substantive revision was made in that portion of the Code by the Joint Committee on Education due to the shortness of time; and

WHEREAS, Many portions of Title 28B are inaccurate and outdated, and in some instances conflicting provisions are contained therein;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Joint Committee on Higher Education, in cooperation with the assistant attorneys general of the various institutions of higher education shall undertake a study of the higher education laws with a view towards a possible revision thereof, including but not limited to the following areas of the existing Code:

1. Major lines.
2. Model schools.
3. Community college development districts.
4. Support of blind higher education students.
5. Degrees.
6. Standardization of the powers and duties of higher education institutions in the

areas of faculty provisions, health insurance, tenure, retirement, and general powers.

BE IT FURTHER RESOLVED, That the Joint Committee on Higher Education shall make a report on the progress of such study to the 1973 Session of the Legislature.

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

## SENATE RESOLUTION: 1971-EX-110

By Senators Holman, Huntley, Sandison, Metcalf and Matson:

WHEREAS, Throughout the nation there has been a sharp increase in the numbers of burglaries, robberies, muggings, rapes, and assaults occurring on college and university campuses; and

WHEREAS, The various Washington institutions of higher education, although protected to some degree by a campus security force, are unprepared to handle the high incidence of crime; and

WHEREAS, Considerable confusion exists as to the legal power and duty of local municipal law enforcement officers to enter onto and patrol such campuses;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the Joint Committee on Higher Education of the Legislature in cooperation with the Municipal Committee is hereby requested to prepare a study of the nature and extent of criminal acts committed on or about the campuses of the Washington institutions of higher education including but not limited to the following:

- (1) The numbers and kinds of criminal actions occurring at the campuses.
- (2) A summary of the disposition by both the administrations and the courts of the cases in which alleged participants have been apprehended.
- (3) A survey of the legal authority and responsibility of local municipal law enforcement officers on campuses.
- (4) The possible alternative solutions to the problems discovered through the study.

BE IT FURTHER RESOLVED, That the Joint Committee on Higher Education together with the Municipal Committee shall submit their report including any proposed legislation no later than thirty days prior to the first day of the 1973 legislative session.

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

## SENATE RESOLUTION: 1971-EX-111

By Senators Holman, Huntley, Wilson and Sandison:

WHEREAS, The faculties of the respective state institutions of higher education are currently covered under a private retirement program, Teacher's Insurance and Annuity Association/College Retirement Equities Fund, which provides for investment of funds; and

WHEREAS, A failure of a private retirement plan to provide an adequate retirement income for members would place a possible burden upon state taxpayers; and

WHEREAS, There exist differences in the coverage, contribution rates, and programs of retirement under TIAA/CREF at the various state institutions of higher education in the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the joint committee on higher education, with the advice and assistance of the public pension commission, is requested to study the retirement programs currently in force at the various state institutions of higher education and to make any necessary recommendations concerning the existing programs, including any legislation necessary to meet the recommendations.

BE IT FURTHER RESOLVED, That the results of the study and any

recommendations be presented to the members of the 1973 Legislature prior to January, 1973.

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

SENATE RESOLUTION: 1971-EX-112

By Senators Durkan, Odegaard, Murray, Francis, Stortini and Sandison:

WHEREAS, When the Community College Act of 1967 was enacted, the faculties of the community colleges continued to be covered under the common school Professional Negotiations Act; and

WHEREAS, Pursuant to a study conducted during the 1969-1971 interim, all elements of the community college system testified before the Joint Committee on Higher Education that no changes in the Professional Negotiation Law for community colleges should be made during the 1971 session, but that any changes should be made in the 1973 session; and

WHEREAS, House Bill No. 739, created a separate Professional Negotiations Act for community colleges, which carried forward the same provisions of law under which they were formerly covered; and

WHEREAS, There currently exists difference in the procedures and rights relating to professional negotiations or collective bargaining between the respective faculties of the various state universities, colleges, and community colleges;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That in order to reconcile the differences of procedures and rights relating to professional negotiation or collective bargaining between faculties of the various institutions of higher education within the state, and to conclude the study of the Professional Negotiations Act for community colleges, the joint interim committee on higher education is requested to conduct a study on such procedures and rights and submit its recommendations thereon to the forty-third legislature at its 1973 regular session.

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

SENATE RESOLUTION: 1971-EX-113

By Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Newschwander, Peterson (Ted), Murray, Scott, Stender, Twigg, Whetzel, Woodall, Bailey, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Henry, Herr, Jolly, Jeeffe, Knoblauch, McCutcheon, Mardesich, Odegaard, Peterson (Lowell), Ridder, Sandison, Stortini, Talley, Walgren, Washington and Wilson:

WHEREAS, President Richard Nixon has appointed former state Senator Richard G. Marquardt as Director of Selective Service for the state of Washington; and

WHEREAS, Richard G. Marquardt has served one term in the state Senate and has an exceptional reputation for integrity, impartiality and candor; and

WHEREAS, Richard G. Marquardt has expressed the hope that no need will exist for the position of Director of Selective Service within the next two years and has announced a preference for eventual creation of an all volunteer army; and

WHEREAS, The members of the Senate wish to express the hope that national security and national defense priorities will change within the next two years and that an all volunteer army will become a reality; and

WHEREAS, Those who have served with said Richard G. Marquardt know that he will approach a new job with the same zeal and diligence as he has attended other tasks in his life and will conduct this office with credit and distinction;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That Richard G. Marquardt be commended for his appointment as Director of Selective Service and for his meritorious contributions to the Legislature and people of the state of Washington, and wish him every success;

BE IT FURTHER RESOLVED, That copies of this resolution be suitably enrolled and presented to said Richard G. Marquardt and his lovely wife, Beth.

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

SENATE RESOLUTION: 1971-EX-114

By Senators Bailey and Atwood:

WHEREAS, The utilization of the east half of the legislative building and the public lands building adjacent thereto is presently shared by the Senate and certain offices of the executive branch; and

WHEREAS, The requirements of the Senate for the use of such space varies from time to time in accordance with its then current needs; and

WHEREAS, The study of the legislative procedures and the improvement of the legislative process is a continuing activity; and

WHEREAS, The Senate requires the creation of a committee of senators to pursue the aforesaid matters during the legislative interim and to cooperate with the House of Representatives or a committee thereof in coordinating such activities to the mutual benefit of both houses;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That there is hereby created the Senate facilities and operations committee hereinafter referred to as the "committee" which shall consist of three members of the majority caucus and two members of the minority caucus, all of whom shall be appointed by the President of the Senate prior to adjournment of the 1971 first extraordinary session. The committee shall establish its own rules of procedure; and

BE IT FURTHER RESOLVED, That the committee shall have the following powers and duties:

(1) The committee shall be responsible for space allocation for Senate purposes within the east half of the legislative building, including the garage, and the fourth floor of the public lands building, and shall have full authority to establish policy over both the administration and use of such quarters;

(2) The committee shall investigate and make recommendations to the capitol committee concerning the improvement of facilities of the legislative building and buildings adjacent thereto;

(3) The committee shall be empowered to allocate such funds as are necessary to carry on the activities within the scope of this resolution;

(4) The committee may appoint members to advisory bodies or study programs connected with the activities of other state legislatures;

(5) The committee may examine and study the administration and procedures of the legislature, may gather information, and make findings of fact concerning the legislative process;

(6) The committee may make reports to the members of the Senate on any area associated with legislative process and may cooperate with legislatures of other states in conducting studies which might assist the Washington State Senate in the performance of its duties and functions;

(7) The Secretary of the Senate shall be the ex officio secretary of the committee. The committee may hire such employees as are necessary to carry out the activities of the committee and may, if necessary, hire consultants to conduct special studies; and

BE IT FURTHER RESOLVED, That the committee shall cooperate with any similar committee which may be appointed by the House of Representatives concerning matters relating to legislative facilities and space allocation and may cooperate with any other committee established by the legislature or either house thereof on studies or investigations which lie within the scope of this resolution; and

BE IT FURTHER RESOLVED, That the committee may call meetings at such times and at such places as the committee may determine; and

BE IT FURTHER RESOLVED, That the members of the committee shall be reimbursed as provided by RCW 44.04.120 for their expenses incurred while attending meetings of the committee or while engaged on other business connected with the activities of the committee. All expenses incurred by the committee shall be paid in the same manner as other interim Senate expenses are paid.

## SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 12, by Representatives Douthwaite, Charnley, Van Dyk, Williams, Lysen, Grant, Chatalas, Bradley, Shipoch, King, McDermott, Kilbury, Knowles and Bauer:

Directing the legislative council to study oil spills and supertankers.

The resolution was read the second time in full.

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 12 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 12, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

HOUSE CONCURRENT RESOLUTION NO. 12, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 14, by Representatives Kopet, Backstrom and Lynch:  
Directing a study of faculty tenure.

#### REPORT OF STANDING COMMITTEE

April 29, 1971.

HOUSE CONCURRENT RESOLUTION NO. 14, directing a study of faculty tenure (reported by Committee on Higher Education and Libraries):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25, after "presented to the" strike everything down to the period on line 26 and insert "Joint Committee on Higher Education prior to November 1, 1971 for its review and transmittal along with its recommendations to the Legislature for its consideration in January 1972"

Signed by: Senators Sandison, Chairman; Atwood, Durkan, Francis, Gardner, Guess, Holman, Huntley, Metcalf, Scott, Wilson.

The resolution was read the second time in full.

On motion of Senator Bailey, the committee amendment was adopted.

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 14, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 14, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

HOUSE CONCURRENT RESOLUTION NO. 14, as amended by the Senate, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Williams and Lysen:

Authorizing a study relating to community schools.

The resolution was read the second time in full.

On motion of Senator Bailey, the rules were suspended, Engrossed House Concurrent Resolution No. 19 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 19, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson

(Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 23, by Representatives King and Shinpoch:

Providing for a legislative council study of landlord-tenant laws and relationships.

The resolution was read the second time in full.

On motion of Senator Woodall, the following amendment was adopted:

On page 1, line 15, before "Council" strike "Judicial" and insert "Legislative"

On motion of Senator Bailey, the rules were suspended, Engrossed House Concurrent Resolution No. 23, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 23, as amended by the Senate, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 23, as amended by the Senate, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives Shinpoch, Lynch, Maxie, King, Kiskaddon, Rabel, Douthwaite, Knowles, Anderson, Goldsworthy, Shera, Benitz, Bottiger, Gladder, Bluechel and Chatalas:

Directing a study of college credit transfers.

The resolution was read the second time in full.

On motion of Senator Bailey, the rules were suspended, Engrossed House Concurrent Resolution No. 35 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Concurrent Resolution No. 35, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 35, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 39, by Representatives Smythe, Thompson, North, Haussler and Marsh:

Providing for advisory committee to study alternative statutory optional model county charters.

The resolution was read the second time in full.

On motion of Senator Bailey, the rules were suspended, House Concurrent Resolution No. 39 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Concurrent Resolution No. 39, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McCutcheon, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—48.

Excused: Senator Stender—1.

HOUSE CONCURRENT RESOLUTION NO. 39, having received the constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 277, by Representatives McDermott, Smythe, Zimmerman, Chatalas, Shera, Backstrom and Paris (by departmental request):

Providing certain changes in the law relating to community health programs.

The bill was read the second time by sections.

On motion of Senator Walgren, the following amendment was adopted:

On page 2, line 32 insert a new section as follows:

“NEW SECTION. Sec. 3. There is added to Title 36 RCW a new section to read as follows:

The legislative authority of any county may by appropriate legislation provide for the establishment of a system of ambulance service for the entire county or for portions thereof, and award contracts for ambulance service: PROVIDED, That such legislation shall not preempt any ambulance service in any incorporated city or town or optional code city without the concurrence of the legislative body of such city or town.”

Reumber the remaining section consecutively.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 277, 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. 277, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; absent or not voting, 10; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Greive, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Twigg, Walgren, Washington, Wilson, Woodall—38.

Absent or not voting: Senators Connor, Donohue, Dore, Elicker, Herr, McCutcheon, Metcalf, Stortini, Talley, Whetzel—10.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 277, 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 Holman, the Senate immediately commenced consideration of Reengrossed House Joint Resolution No. 1.

REENGROSSED HOUSE JOINT RESOLUTION NO. 1, by Representatives Moon, Merrill, Kilbury, King, Luders, Martinis, McDermott and Wojahn:

Providing for periodic review of tax exemptions.

The resolution was read the second time in full.

On motion of Senator Holman, the rules were suspended, Reengrossed House Joint Resolution No. 1 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

## ROLL CALL

The Secretary called the roll on the final passage of Reengrossed House Joint Resolution No. 1, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 8; absent or not voting, 6; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Holman, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Woodall—34.

Voting nay: Senators Clarke, Connor, Dore, Huntley, Jolly, Matson, Newschwander, Wilson—8.

Absent or not voting: Senators Greive, Henry, Herr, McCutcheon, Metcalf, Washington—6.

Excused: Senator Stender—1.

REENGROSSED HOUSE JOINT RESOLUTION NO. 1, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED HOUSE BILL NO. 543, by Representatives Wolf, Smythe, Pardini, Lynch, Mentor, Jueling, Conway and Backstrom:

Changing motor vehicle excise tax collection and distribution provisions.

## REPORT OF STANDING COMMITTEE

May 5, 1971.

ENGROSSED HOUSE BILL NO. 543, changing motor vehicle excise tax collection and distribution provisions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, section 2, line 5 of the engrossed bill, being line 4 of the printed bill, after "purposes" and before the period insert: ", but in a subsequent calendar year the amount, if any, required under subsection (2) (c) of this section to be remitted by the state treasurer shall be reduced by an amount equal to the amount of any such locally generated tax revenues which after having been budgeted by such municipality to be collected, have not actually been expended for public transportation purposes before July 1st following the calendar year in which budgeted for collection"

Signed by: Senators Durkan, Chairman; Bailey, Canfield, Connor, Donohue, Dore, Fleming, Foley, Holman, Huntley, Jolly, Mardesich, Newschwander, Odegaard, Peterson (Lowell), Scott, Stortini, Talley, Walgren, Wilson.

The bill was read the second time by sections.

On motion of Senator Durkan, the committee amendment was not adopted.

On motion of Senator Huntley, the rules were suspended, Engrossed House Bill No. 543 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. 543, and

the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Andersen, Dore, Greive, Herr, McCutcheon, Metcalf, Newschwander, Washington—8.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 543, having received the 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 HOUSE BILL NO. 1072, by Representatives Mentor, Beck, Goldsworthy, Barden, Merrill, Paris, Marzano, Lynch, Jastad, Copeland, Cunningham, Wolf, Anderson, Randall, Costanti, Berentson, Perry, Bagnariol, Lysen, Kirk, Chamley, Litchman, Ross, Maxie, Gilleland, Haussler, Rabel, Smith, Hansey, Eikenberry, Bozarth, Bauer and Jones:

Providing for free motor vehicle licenses for certain disabled veterans.

The bill was read the second time by sections.

On motion of Senator Elicker, the rules were suspended, Engrossed House Bill No. 1072 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. 1072, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 6; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Wilson, Woodall—42.

Absent or not voting: Senators Connor, Greive, McCutcheon, Newschwander, Washington, Whetzel—6.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 1072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 705, by Representatives Amen, Haussler, Copeland, Moon, Bledsoe and Bozarth:

Amending certain regulations of public livestock markets and powers of director of agriculture.

The bill was read the second time by sections.

On motion of Senator Woodall, the rules were suspended, House Bill No. 705 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 705, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 8; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Twigg, Walgren, Whetzel, Wilson, Woodall—40.

Absent or not voting: Senators Connor, Cooney, Dore, Durkan, Greive, McCutcheon, Talley, Washington—8.

Excused: Senator Stender—1.

HOUSE BILL NO. 705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate do immediately reconsider the vote by which Engrossed House Bill No. 277 passed the Senate. Debate ensued.

The motion for reconsideration carried.

#### MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed House Bill No. 277 was returned to second reading.

On motion of Senator Mardesich, the amendment inserting a new section 3 by Senator Walgren was laid upon the table.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 277 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. 277, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 35; absent or not voting, 13; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Cooney, Day, Donohue, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Walgren, Washington, Wilson—35.

Absent or not voting: Senators Connor, Dore, Durkan, Greive, Herr, Huntley, Lewis, McCutcheon, Metcalf, Talley, Twigg, Whetzel, Woodall—13.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 277, having received the constitutional majority, 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. 636, by Representatives Haussler, Kilbury and Amen:

Modifying the law on pesticide application.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 636 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. 636, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 7; excused, 1.

Voting yea: Senators Bailey, Canfield, Clarke, Cooney, Day, Donohue, Dore, Durkan, Elicker, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Wilson, Woodall—40.

Voting nay: Senator Herr—1.

Absent or not voting: Senators Andersen, Atwood, Connor, Greive, Huntley, McCutcheon, Whetzel—7.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 56, by Representatives Beck, Wanamaker and Wolf (by departmental request):

Providing certain changes in the tax on motor vehicle fuel.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Engrossed House Bill No. 56 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. 56, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Dore, Durkan, Fleming, Foley, Francis, Gardner, Gissberg, Guess, Henry, Herr, Holman, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Metcalf, Murray, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Whetzel, Wilson, Woodall—43.

Absent or not voting: Senators Andersen, Elicker, Greive, Huntley, McCutcheon—5.

Excused: Senator Stender—1.

ENGROSSED HOUSE BILL NO. 56, having received the 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.

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 346 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 214 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 291 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 69 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 540 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 372 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 865 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 283 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

## MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 522 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

## REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 522, providing for transfer of certain funds to the Washington public employees' retirement system, have had the same under consideration, and we recommend that the attached bill be substituted therefor and that it do pass.

An Act relating to public employee retirement; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 50, Laws of 1967 and RCW 41.32.260; amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 and RCW 41.40.010; amending section 3, chapter 274, Laws of 1947 as last amended by section 2, chapter 174, Laws of 1963 and RCW 41.40.030; amending section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120; amending section 20, chapter 274, Laws of 1947 as last amended by section 8, chapter 128, Laws of 1969 and RCW 41.40.190; amending section 1, chapter 68, Laws of 1970 ex. sess. and RCW 41.40.195; amending section 19, chapter 274, Laws of 1947 as last amended by section 5, chapter 127, Laws of 1967 and RCW 41.40.180; amending section 23, chapter 274, Laws of 1947 as last amended by section 7, chapter 291, Laws of 1961 and RCW 41.40.220; amending section 27, chapter 274, Laws of 1947 as last amended by section 12, chapter 174, Laws of 1963 and RCW 41.40.260; amending section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 128, Laws of 1969 and RCW 41.40.330; amending section 37, chapter 274, Laws of 1947 as last amended by section 15, chapter 174, Laws of 1963 and RCW 41.40.361; amending section 43, chapter 274, Laws of 1947 as last amended by section 13, chapter 128, Laws of 1969 and RCW 41.40.410; amending section 5, chapter 71, Laws of 1947 and RCW 41.44.050; amending section 11, chapter 71, Laws of 1947 as last amended by section 2, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.110; amending section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959 and RCW 41.44.120; repealing section 1, chapter 223, Laws of 1961 and RCW 41.40.128; and declaring an emergency.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 50, Laws of 1967 and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER, That a member of the retirement system who is a member of the state legislature may request that retirement deductions be taken from his salary as a legislator and that service credit be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: AND PROVIDED FURTHER, That a member of the retirement system who had previous service as a member of the state legislature, for which he did not contribute to the retirement system, may receive credit for such legislative service upon making contributions in such amounts as shall be determined by the board of trustees.

Sec. 2. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision or association of political subdivisions of the state admitted into the retirement system; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. *The term may also include any city of the first class that has its own retirement system.*

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered [eight] five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state

employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947, including all service after October 1, 1947, to any municipal corporation of the state of Washington prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer contributions which would have been paid to the retirement system on account of such service by an employer admitted to the retirement system, shall have been paid to the retirement system prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member, and any additional service to the employer if the employer has paid the employer contributions for such service[.];

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and [immediately] prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, [1971] 1972 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1972, of five percent of such member's salary during said period of probationary service.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) ["Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

[(23)] (21) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

[(24)] (22) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

[(25)] (23) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

[(26)] (24) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

[(27)] (25) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision [(26)] (24).

[(28)] (26) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

[(29)] (27) "Totally incapacitated for duty" means total inability to perform the

duties of a member's employment or office or any other work for which the member is qualified by training or experience.

Sec. 3. Section 3, chapter 274, Laws of 1947 as last amended by section 2, chapter 174, Laws of 1963, and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of seven members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, and three employee representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by members in their classification of employment for a term of three years: PROVIDED, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed. The members of the system shall be divided into three classifications of employment for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; and classification C shall consist of all members not included in classification A or B. Each member shall have the right to vote only for an employee representative from his respective classification.

The first election will be held to elect a representative from classification C whose term shall begin July 1, 1961; the second election will be held to elect a representative from classification B whose term shall begin July 1, 1962; the third election will be held to elect a representative from classification A whose term shall begin July 1, 1963.

Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of [May] 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 active members of the retirement system in his classification. The election shall be conducted under the supervision of the [state employees'] 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 certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all employee representatives shall commence on the first day of July following their election.

Sec. 4. Section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, [such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made] *such application for those taking elective office for the first time after the effective date of this 1971 amendatory act shall be submitted within eight years of the beginning of their initial term of office:* AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee and employer contributions therefor;
- (4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190;
- (5) Patient and inmate help in state charitable, penal and correctional institutions;



(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college operated by an employer, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college operated by an employer during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) *Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That if a member is elected to an office in such city, the member shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. Any city that becomes an employer as defined in RCW 41.40.010 (4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.*

Sec. 5. Section 20, chapter 274, Laws of 1947 as last amended by section 8, chapter 128, Laws of 1969 and RCW 41.40.190 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after the effective date of this [1969] 1971 amendatory act shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount: PROVIDED, That in order to be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (1) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at least five years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under RCW 41.40.200, 41.40.210 and 41.40.220.

(5) *Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed*

*the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington State Constitution.*

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

[(6)] (7) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowances paid to members eligible to retire under any other provisions of this chapter shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Sec. 6, Section 1, chapter 68, Laws of 1970 ex. sess. and RCW 41.40.195 are each amended to read as follows:

(1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)—compiled by the Bureau of Labor Statistics, United States Department of Labor [.] ;

(2) "Prior pension" shall mean the pension portion of any service retirement allowance as computed and payable [, under the pre-March 25, 1969 provisions of RCW 41.40.190 or 41.40.290, including all options described therein.] *at the time of retirement to any beneficiary based upon an effective retirement date which is prior to [April 1, 1969] December 31, 1970;*

(3) Effective July 1, [1970] 1971, every prior pension which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for [1969] 1970 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

Sec. 7, Section 19, chapter 274, Laws of 1947 as last amended by section 5, chapter 127, Laws of 1967 and RCW 41.40.180 are each amended to read as follows:

(1) On and after April 1, 1949, any member who has attained age sixty or over may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: PROVIDED, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: PROVIDED, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or

periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: PROVIDED FURTHER, That any member holding elective office, having a fixed term to which he has been elected; who has attained age seventy may, at any time thereafter while still in office, apply for and receive a retirement allowance under RCW 41.40.190 and RCW 41.40.290, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of the retirement system after his retirement as provided for in this subsection.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after [July 1, 1967] *the effective date of this 1971 amendatory act* any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures. [; PROVIDED, That any member retiring under the provisions of this subsection shall receive a reduced retirement allowance, which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the earliest date upon which he could otherwise retire under subsections (1) or (3) of this section.]

(5) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

Sec. 8. Section 23, chapter 274, Laws of 1947 as last amended by section 7, chapter 291, Laws of 1961, and RCW 41.40.220 are each amended to read as follows:

Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW 41.40.310. The disability retirement pension provided by the employer shall not exceed [twenty-four] *forty-two* hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a pension, as provided for in RCW 41.40.190, subdivisions (2), (3), and (4), together with an annuity which shall be the equivalent of the annuity he would have received had he continued contributions to the employees' savings fund; said contributions to be based upon his final compensation at the time of his disability.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: PROVIDED, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board: PROVIDED, HOWEVER, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representative.

Sec. 9. Section 27, chapter 274, Laws of 1947 as last amended by section 12, chapter 174, Laws of 1963, and RCW 41.40.260 are each amended to read as follows:

Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: PROVIDED, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240, or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: PROVIDED FURTHER, *That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330(2) shall not constitute a waiver.*

Sec. 10. Section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 128, Laws of 1969, and RCW 41.40.330 are each amended to read as follows:

(1) Beginning October 1, 1947, each employee who is a member of the retirement system shall contribute five percent of that part of his compensation earnable, not in excess of thirty-six hundred dollars in a calendar year, except as provided herein and in subsection (2) hereof, to the employees' savings fund, and shall contribute one dollar and fifty cents per annum to the retirement system expense fund: PROVIDED, HOWEVER, That beginning January 1, 1950, such retirement system expense fund contribution shall be increased to the amount of two dollars and fifty cents per annum and shall be made by semiannual payments of one dollar and twenty-five cents beginning January 1, 1950, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the

semiannual period during which he enters or reenters membership: AND PROVIDED FURTHER, That beginning July 1, 1969, the expense fund contributions shall be transferred from all employee account balances in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after April 1, 1953, each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system, an amount equal to five percent of such member's compensation earnable, as provided by this section. [In determining the amount earnable by a member in a payroll period, the retirement board and the employer may consider the rate of compensation payable to such member on the first day of the payroll period as continuing through such payroll period, and deductions may be omitted from such compensation for any period less than a full payroll period, if an employee was not a member on the first day of the payroll period.]

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an *increased* prospective retirement allowance [not to exceed one-half of his prospective average final compensation].

(3) *The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190 (5) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.*

Sec. 11. Section 37, chapter 274, Laws of 1947 as last amended by section 15, chapter 174, Laws of 1963, and RCW 41.40.361 are each amended to read as follows:

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: PROVIDED, That as to state employers the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of six percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. *In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution.* Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than [that percentage of annual compensation of all members in the retirement system at the date of such subsequent valuation which is equivalent to four percent of the unfunded liability of the system] *the uniform and constant percentage of the prospective compensation of all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability.* The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer would have been required to

contribute between April 1, 1949, and the date of such employer's admission to the retirement system: PROVIDED, All additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation.

Sec. 12. Section 43, chapter 274, Laws of 1947 as last amended by section 13, chapter 128, Laws of 1969, and RCW 41.40.410 are each amended to read as follows:

The employees and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority: PROVIDED, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer hereunder has its own retirement plan any of the employee members thereof who may elect to transfer to this retirement system may, [upon withdrawal of] if permitted by said plan, withdraw all or any part of their employees' contributions to the former plan[,] and transfer such funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the retirement board and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer hereunder. Any funds remaining in the employer's former retirement plan after all obligations of such plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 182, Laws of 1945, may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Sec. 13. Section 5, chapter 71, Laws of 1947 and RCW 41.44.050 are each amended to read as follows:

Any city or town of the first, second, third or fourth class may elect to participate in the retirement system established by this chapter: PROVIDED, That a first class city may establish or maintain any other retirement system authorized by any other law or its charter. The manner of election to participate in a retirement system under this chapter shall be as follows:

- (1) The legislative body therein by ordinance making such election;
- (2) Approval by vote of the people of an ordinance initiated by the voters making such election;
- (3) Approval by vote of the people of an ordinance making such election referred to the people by the legislative body.

Any ordinance providing for participation therein may on petition of the voters be referred to the voters for approval or disapproval.

The referendum or initiative herein provided for shall be exercised under the law relating to legislative initiative or referendum of the particular city; and if the city be one for which the law does not now provide such initiative or referendum, it shall be exercised in the manner provided for legislative initiative and referendum of cities having a commission form of government under chapter 116, Laws of 1911, the city council performing the duties and functions under that law devolving on the commission. A majority vote in the legislative body or by the electorate shall be sufficient to carry or reject. Whenever any city has elected to join the retirement system proper authorities in such city shall immediately file with the board an application for participation under the conditions included in this chapter on a form approved by the board. In such application the city shall agree to make the contributions required of participating cities in the manner prescribed herein and shall state which employee group or groups are to originally have membership in the system.

*In the case of a state association of cities and towns, election to participate shall be by majority vote of the board of directors of the association.*

Sec. 14, Section 11, chapter 71, Laws of 1947 as last amended by section 2, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.110 are each amended to read as follows:

(1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

(a) Miscellaneous personnel as defined in this chapter;

(b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

*(e) Employees of any state association of cities and towns shall be entitled to membership, upon election to participate made by the board of directors pursuant to section 13 of this 1971 amendatory act, and any costs in connection with such membership which would be borne by a city in the case of employees of a city shall be borne by the association.*

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months' service or six months' service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than one hundred dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than one hundred dollars per month shall become members upon the completion of six consecutive months' service or six months' service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than one hundred dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and immediately furnish such other information regarding the employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein.

Sec. 15. Section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959, and RCW 41.44.120 are each amended to read as follows:

(1) Subject to subsections (4) and (5) of this section the following members shall be entitled to prior service credit:

(a) Each member in service on the effective date.

(b) Each member entering after the effective date if such entry is within one year after rendering service prior to the effective date.

(c) Each member entering in accordance with the provisions and subject to the conditions and limitations prescribed in subsection (5) of this section.

As soon as practicable, the board shall issue to each member entitled to prior service credit a certificate certifying the aggregate length of service rendered prior to the effective date. Such certificate shall be final and conclusive as to his prior service unless hereafter modified by the board, upon application of the member.

(2) Each city joining the system shall have the privilege of selecting the rate at which prior service pensions shall be calculated for its employees and may select any one of the three rates set forth below:

(a) 1.33% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(b) 1.00% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(c) .667% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "one-half prior service credit."

(3) The above rates shall apply at the age of sixty-two or over for members included in the miscellaneous personnel and at age sixty or over for members in the uniformed personnel: PROVIDED, That if a member shall retire before attaining either of the ages above referred to, the total prior service pension shall be reduced to the percentages computed and established in accordance with the following tables, to wit:

Miscellaneous Personnel  
Percent of Full Prior Service Allowable

Male		Female	
Age	Factor	Age	Factor
45	65.48	45	66.78
46	66.86	46	67.91
47	68.29	47	69.09
48	69.77	48	70.34
49	71.28	49	71.67
50	72.82	50	73.10
51	74.43	51	74.71
52	76.13	52	76.41
53	77.93	53	78.21
54	79.84	54	80.11
55	81.86	55	82.12
56	84.00	56	84.24
57	86.28	57	86.50
58	88.69	58	88.89
59	91.26	59	91.42
60	94.00	60	94.11
61	96.90	61	96.96
62	100.00	62	100.00

Percent of Full Prior Service Allowable  
Uniformed Personnel

Age	Factor
45	69.66
46	71.13
47	72.65
48	74.22
49	75.83
50	77.47
51	79.18
52	80.99
53	82.91
54	84.93
55	87.09
56	89.37
57	91.79
58	94.36
59	97.09
60	100.00

(4) If sickness, injury or service in the armed forces of the United States during the national emergency identified with World War I or World War II and/or service in the armed

forces of the United States of America for extended active duty by any employee who shall have been regularly granted a leave of absence from the city service by reason thereof, prevents any regular employee from being in service on the effective date, the board shall grant prior service credit to such person when he is again employed. The legislative authority in each participating city shall specify the amount of prior service to be granted or current service credit to be made available to such employees: PROVIDED, That in no case shall such service credit exceed five years. Certificate of honorable discharge from or documentary evidence of such service shall be submitted to the board before any such credit may be granted or made available. Prior or current service rates, or both, for such employees shall not exceed the rates established for fellow employees.

(5) There shall be granted to any person who was an employee of a private enterprise or a portion thereof which shall be hereafter acquired by a city as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such enterprise or portion thereof, credit for prior service for the period such person was actually employed by such private enterprise, except that this shall apply only to those persons who shall be employees of such enterprise or portion thereof at the time of its acquisition by the city and who remain in the service of such city until the effective date of membership of such person under this chapter.

*There shall be granted to any person who was an employee of any state association of cities and towns, which association elects to participate in the retirement system established by this chapter, credit for prior service for the period such person was actually employed by such association, except that this shall apply only to those persons who shall be employees of such association on the effective date of this 1971 amendatory act.*

Credit for such prior service shall be given only if payment for the additional cost of including such service has been made or if payment of such additional cost or reimbursement therefor has been otherwise provided for to the satisfaction of the board or if such person be entitled to any private pension or retirement benefits as a result of such service with such private enterprise, credit will be given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

**NEW SECTION.** Sec. 16. Section 1, chapter 223, Laws of 1961 and RCW 41.40.128 are each repealed.

**NEW SECTION.** Sec. 17. If any provision of this 1971 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. 18. This 1971 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: Senators Fleming, Woodall and Gissberg; Representatives Shera, Pardini and Moon.

#### MOTION

On motion of Senator Gissberg, the report of the Free Conference Committee on Senate Bill No. 522 was adopted.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 522, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 7; absent or not voting, 8; excused, 1.

Voting yea: Senators Atwood, Bailey, Canfield, Clarke, Connor, Cooney, Day, Donohue, Fleming, Foley, Gissberg, Greive, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, McDougall, Mardesich, Matson, Murray, Newschwander, Odegaard, Peterson (Lowell), Sandison, Scott, Stortini, Talley, Twigg, Walgren, Washington, Woodall—33.

Voting nay: Senators Dore, Elicker, Holman, Huntley, Ridder, Whetzel, Wilson—7.

Absent or not voting: Senators Andersen, Durkan, Francis, Gardner, Lewis, McCutcheon, Metcalf, Peterson (Ted)—8.

Excused: Senator Stender—1.

SENATE BILL NO. 522, 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.

At 1:05 a.m., there being no objection, the Senate was declared to be at ease subject to the Call of the Chair.

The President called the Senate to order at 2:05 a.m.

### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 897, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

MALCOLM McBEATH, Chief Clerk.

### REPORT OF FREE CONFERENCE COMMITTEE

May 10, 1971.

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 897, pertaining to revenue and taxation, have had the same under consideration, and we recommend that Substitute Senate Bill No. 897 be amended to read as follows and that the amended bill do pass.

An Act relating to revenue and taxation; amending section 4, chapter 236, Laws of 1955 and RCW 60.28.040; amending section 2, chapter 272, Laws of 1959 and RCW 73.32.130; amending section 82.04.050, chapter 15, Laws of 1961, as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.050; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 255, Laws of 1969 ex. sess. and RCW 82.04.190; amending section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280; amending section 26, chapter 173, Laws of 1965 as last amended by section 1, chapter 257, Laws of 1969 ex. sess. and RCW 82.04.435; amending section 82.08.050, chapter 15, Laws of 1961 as amended by section 15, chapter 173, Laws of 1965 ex. sess. and RCW 82.08.050; amending section 82.08.070, chapter 15, Laws of 1961, as amended by section 8, chapter 293, Laws of 1961 and RCW 82.08.070; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 11, Laws of 1971 1st ex. sess. and RCW 82.12.030; amending section 82.12.040, chapter 15, Laws of 1961, as amended by section 11, chapter 293, Laws of 1961 and RCW 82.12.040; amending section 82.16.020, chapter 15, Laws of 1961 as last amended by section 24, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.020; amending section 82.24.020, chapter 15, Laws of 1961 as last amended by section 23, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.020; amending section 82.24.070, chapter 15, Laws of 1961 as last amended by section 24, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.070; amending section 82.26.020, chapter 15, Laws of 1961 as amended by section 25, chapter 173, Laws of 1965 ex. sess. and RCW 82.26.020; amending section 82.32.040, chapter 15, Laws of 1961 and RCW 82.32.040; amending section 82.32.050, chapter 15, Laws of 1961, as amended by section 1, chapter 141, Laws of 1965 and RCW 82.32.050; amending section 82.32.060, chapter 15, Laws of 1961, as last amended by section 27, chapter 173, Laws of 1965 ex. sess. and RCW 82.32.060; amending section 82.32.080, chapter 15, Laws of 1961, as last amended by section 2, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.080; amending section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090; amending section 82.32.100, chapter 15, Laws of 1961, as amended by section 4, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.100; amending section 82.32.190, chapter 15, Laws of 1961 as amended by section 6, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.190; amending section 11, chapter 28, Laws of 1963 ex. sess. and RCW 82.32.235; amending section 82.32.350, chapter 15, Laws of 1961 and RCW 82.32.350; amending section 82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967 and RCW 82.44.010; amending section 82.44.030, chapter 15, Laws of 1961 and RCW 82.44.030; amending section 82.50.010, chapter 15, Laws of 1961 as amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010; amending section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020; amending section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030; amending section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040; amending section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050; amending section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070; amending section 82.50.101, chapter 15,

Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101; amending section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105; amending section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110; amending section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120; amending section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130; amending section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140; amending section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160; amending section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180; amending section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190; amending section 82.50.200, chapter 15, Laws of 1961 as amending by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200; amending section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090; amending section 8, chapter 214, Laws of 1963 and RCW 84.28.065; amending section 84.28.090, chapter 15, Laws of 1961 as amended by section 10, chapter 214, Laws of 1963 and RCW 84.28.090; amending section 84.28.110, chapter 15, Laws of 1961 as last amended by section 153, chapter 81, Laws of 1971 and RCW 84.28.110; amending section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110; amending section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050; amending section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding new sections to chapter 84.40 RCW; adding new sections to chapter 15, Laws of 1961 and to Title 82 RCW; repealing and simultaneously reenacting certain acts and parts of acts; providing penalties; declaring an emergency; and establishing effective dates.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:**

Section 1. Section 4, chapter 236, Laws of 1955 and RCW 60.28.040 are each amended to read as follows:

The amount of all taxes, increases and penalties due or to become due under Title 82, from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is [five] *twenty* thousand dollars or more shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract, and the amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Sec. 2. Section 2, chapter 272, Laws of 1959 and RCW 73.32.130 are each amended to read as follows:

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the [tax commission] *department of revenue* from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed [four million five hundred thousand dollars, all sums received above that amount] *the annual amounts required for debt service, the balance* shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund [four million one hundred thousand dollars] *a sum* in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the *state* general fund all money in excess of such amount.

Sec. 3. Section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess., and RCW 82.04.050 are each amended to read as follows:

"Sale at retail" or "retail sale" means every sale of tangible personal property

(including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any [publicly owned] street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including [publicly owned] mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when

such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

[Upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the term shall not include the sale of drugs or medicines either required by law to be dispensed or actually dispensed in accordance with the prescription of a licensed practitioner of one of the healing arts authorized by law to prescribe such drugs or medicines.]

Sec. 4. Section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 255, Laws of 1969 ex. sess. and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any [publicly owned] street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle *which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including [publicly owned] mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;*

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States [, the state.] and [its] *municipal corporations or political subdivisions of the state* in respect to labor and services rendered to their real property which is used or held for public road purposes. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

Sec. 5. Section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any [publicly owned] street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle *which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including [publicly owned] mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved;* (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent [ PROVIDED, That upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of twenty-two one hundredths of one percent ].

Sec. 6. Section 26, chapter 173, Laws of 1965 as last amended by section 1, chapter 257, Laws of 1969 ex. sess. and RCW 82.04.435 are each amended to read as follows:

In computing tax under this chapter there may be credited against the amount of the tax the following items:

As to persons engaging in activities defined in RCW 82.04.120 (the definition of the term "to manufacture"), an amount not to exceed the tax actually paid under chapter 82.08 RCW (Retail Sales Tax) or chapter 82.12 RCW (Use Tax) by such persons or their lessors or their contract vendors, on materials, labor and services in the construction of new buildings or the enlarging of existing buildings directly used in such activities. Where a building is used partly for manufacturing and partly for other purposes the applicable tax credit shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide. For purposes of this section the term "buildings" shall mean and include only those structures used to house or shelter manufacturing activities, including the usual lighting, heating, ventilating and sanitary plumbing facilities. The term shall include plant offices and warehouses or other storage facilities for the storage of raw materials or finished goods when such facilities are essential to and an integral part of a factory, mill or manufacturing plant, but shall not include manufacturing or industrial fixtures or equipment such as tanks, conveyor systems, cranes, industrial machinery and related facilities irrespective of whether or not such fixtures or equipment are affixed to the realty. Notwithstanding the foregoing, the term "buildings" shall also include potlines and furnaces used directly in the manufacturing of metals. The phrase "construction of buildings" refers only to new or enlarged buildings and not to the repair or renovation of existing buildings.

This credit shall be allowable only against tax payable by the manufacturer and measured by the value of products or gross proceeds of sales of articles, substances or commodities manufactured in this state, and shall be allowable only against any tax payable which is attributable to manufacturing occurring in the particular factory, mill or manufacturing plant in which such buildings are located.

No tax credit claimed shall be deducted on any return until such claim has been approved by the department of revenue or until ninety days after such claim has been submitted to the department of revenue for approval. This credit shall not be allowable for tax paid on purchases of material, labor or services on which the supplier thereof became entitled to compensation prior to July 1, 1964 or subsequent to January 1, 1971: PROVIDED, That the credit shall be allowable for the tax paid on such purchases pursuant to any contract entered into prior to January 1, 1971 if such tax is paid on such contract purchases prior to July 1, 1972: AND PROVIDED FURTHER, That with respect only to the construction of buildings used directly in the manufacturing of metals, this credit shall be allowable for tax paid on all purchases pursuant to construction which was in progress on January 1, 1971, and was completed after that date.

Any credits granted prior to July 1, 1969 pursuant to this section shall not be affected by this 1969 amendatory act.

Sec. 7. Section 82.08.050, chapter 15, Laws of 1961, as amended by section 15, chapter 173, Laws of 1965 ex. sess., and RCW 82.08.050 are each amended to read as follows:

The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the [tax commission] department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the [commission] department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the [commission] department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the [commission] department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller and from the seller to the [commission] department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the [commission] department, the [commission] department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the [commission] department; and all of the provisions of chapter 82.32, including those relative to interest and penalties, shall apply in addition; and, for the sole

purpose of applying the various provisions of chapter 82.32, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

Sec. 8. Section 82.08.070, chapter 15, Laws of 1961, as amended by section 8, chapter 293, Laws of 1961, and RCW 82.08.070 are each amended to read as follows:

Each seller, on or before the fifteenth day of the month succeeding the end of each monthly period, shall make out a return for the preceding monthly period, upon forms to be provided by the [commission] department, setting forth the amount of all sales, nontaxable sales, taxable sales, the amount of tax thereon, and such other information as the [commission] department may require, sign, and transmit the same to the [commission] department: PROVIDED, That any such taxpayer may elect to remit each month on such forms as the [tax commission] department shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the [commission] department on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: PROVIDED FURTHER, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, at least ninety percent of the tax actually collected or owing during the month.

The [tax commission] department may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The [tax commission] department may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The [tax commission] department may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The [commission] department shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

The [commission] department may also require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this chapter, whether or not collected from the buyer shall be paid by the seller to the [commission] department in installments at the time of transmitting the return above provided for.

Sec. 9. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board: PROVIDED, That from and after July 1, 1969 the tax upon each retail sale of wine under this subsection (1) shall be at the rate of twenty-six percent of the selling price. The tax imposed in this section shall apply to all sales of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to licensees, but shall not apply to sales of wine in the unopened bottle by licensees who have paid the tax imposed by this subsection (1) to their vendors on the acquisition of such wine. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of [June, 1965] July, 1971, an additional tax upon each retail sale of spirits in the original package at the rate of [two] four cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the

provisions of chapter 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

Sec. 10. Section 82.12.030, chapter 15, Laws of 1961, as last amended by section 2, chapter 11, Laws of 1971 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) *In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.*

(21) In respect to the use of pollen.

[(21)] (22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

Sec. 11. Section 82.12.040, chapter 15, Laws of 1961, as amended by section 11, chapter 293, Laws of 1961, and RCW 82.12.040 are each amended to read as follows:

Every person who maintains in this state a place of business or a stock of goods shall obtain from the [tax commission] department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives.



Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the [tax commission] department and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the [tax commission] department in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the purchaser or transferee by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

Sec. 12. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 24, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.020 are each amended to read as follows:

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

- (1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three and six-tenths percent;
- (2) Gas distribution business: [Two and four-tenths] *Three percent*;
- (3) Urban transportation business: Six-tenths of one percent;
- (4) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;
- (5) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent.

Sec. 13. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 23, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.020 are each amended to read as follows:

There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to the rate of [four] *six and one-half* mills per cigarette.

Sec. 14. Section 82.24.070, chapter 15, Laws of 1961, as last amended by section 24, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the first four mills of the value of the stamps purchased or affixed by them.

Sec. 15. Section 82.32.040, chapter 15, Laws of 1961 and RCW 82.32.040 are each amended to read as follows:

Each [vending machine and each coin operated machine, except where used in conducting a public utility business, and each] mechanical device, the operator of which is taxable under chapter 82.28, shall be considered a separate place of business and a separate registration certificate shall be obtained for each such [machine or] device. The issuance of any certificate for such [machines or] devices to any applicant therefor may be denied by the [tax commission] department, if the [commission] department, after hearing, finds that the conditions of the applicant's business or prior record as a taxpayer place in jeopardy the collection of the tax. The [commission] department may require that any applicant for a certificate of registration for any such [machine or] device furnish a proper surety bond sufficient to secure the payment of any tax imposed. It shall be unlawful for any person to operate such [machine or] device or permit it to be operated on his premises unless a certificate of registration has been obtained and is conspicuously displayed upon such [machine or] device, or for any person to operate any such [machine or] device under a forged certificate of registration or under a certificate of registration not issued for such [machine or] device or to the operator thereof or under a certificate of registration which has been revoked, or for any person upon making application for a certificate of registration to fail or refuse to give any information requested by the [commission] department or to give false information with intent to conceal the true name or address of the owner or operator of such [machine] device.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Any [machine or] device described herein which does not display a certificate of registration, or any [machine or] device which displays a forged certificate of registration or a certificate of registration not issued for such [machine] device or to the operator thereof or revoked certificate of registration, is hereby declared to be contraband and may be seized

by the [tax commission] department, or by any peace officer of the state, when directed by the [commission] department so to do, without warrant, and shall be offered for sale by the [commission] department in the same manner as property distrained under warrant for the satisfaction of delinquent taxes. The proceeds of sale shall be paid to the [commission] department and credited to the account of miscellaneous revenue: PROVIDED, That the costs of the seizure and sale shall be paid out of the proceeds before making remittance.

Any money contained in such [machines or] devices may be removed before the [machine or] device is offered for sale and the amount thereof shall be considered as part of the proceeds of the sale.

Sec. 16. Section 82.32.050, chapter 15, Laws of 1961, as amended by section 1, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.050 are each amended to read as follows:

If upon examination of any returns or from other information obtained by the [tax commission] department it appears that a tax or penalty has been paid less than that properly due, the [commission] department shall assess against the taxpayer such additional amount found to be due and as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date shall add thereto interest at the rate of [six] nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment. The [commission] department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ten days from the date of the notice, or within such further time as the [commission] department may provide. If payment is not received by the [commission] department by the due date specified in the notice, or any extension thereof, the [commission] department shall add a penalty of ten percent of the amount of the additional tax found due. If the [commission] department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the [commission] department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 17. Section 82.32.060, chapter 15, Laws of 1961, as last amended by section 27, chapter 173, Laws of 1965 ex. sess., and RCW 82.32.060 are each amended to read as follows:

If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the [tax commission] department that within the two years immediately preceding the receipt [of] by the [commission] department of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the [commission] department of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. Except as to the utilization by the taxpayer of the credits in computing tax authorized by RCW 82.04.435, application for which credits must be made within two years of payment of the taxes giving rise to such credits, no refund or credit shall be allowed with respect to any payments made to the [commission] department more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the [commission] department for such statutory assessment period. [Notwithstanding the foregoing, no refund or credit shall be granted with respect to taxes paid prior to May 1, 1950, but where a refund or credit may not be made because the tax was paid prior to May 1, 1950, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding May 1, 1950, may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period.]

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the [tax commission] department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the [tax commission] department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the [tax commission] department of a certified copy of the order or judgment of the court. Except

as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the [tax commission] *department* and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

Sec. 18. Section 82.32.080, chapter 15, Laws of 1961, as last amended by section 2, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.080 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the [commission] *department* shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

A return or remittance which is transmitted to the [tax commission] *department* by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it.

The [tax commission] *department*, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the [commission] *department* of an amount to be determined by the [commission] *department* which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The [commission] *department* shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the tax liability for the reporting period or periods for which the extension is granted.

The [commission] *department* shall keep full and accurate records of all funds received and disbursed by it. *Subject to the provisions of RCW 82.32.105 and 82.32.350, the department shall apply the payment of the taxpayer first against penalties and interest, and then upon the tax, without regard to any direction of the taxpayer.*

The [commission] *department* may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090.

Sec. 19. Section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the last day of the month in which the tax becomes due, there shall be assessed a penalty of [two] *five* percent of the amount of the tax; and if the tax is not received by the last day of the month next succeeding the month in which the due date falls, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received by the last day of the second month next succeeding the month in which the due date falls, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the due date falls, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 20. Section 82.32.100, chapter 15, Laws of 1961, as amended by section 4, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.100 are each amended to read as follows:

If any person fails or refuses to make any return or to make available for examination the records required by this chapter, the [tax commission] *department* shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the [commission] *department* may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

As soon as the [commission] *department* procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has

failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To the assessment the [commission] department shall add, the penalties provided in RCW 82.32.090. The [commission] department shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within ten days from the date of such notice.

No assessment or correction of an assessment may be made by the [commission] department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 21. Section 82.32.190, chapter 15, Laws of 1961, as amended by section 6, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.190 are each amended to read as follows:

The [tax commission] department, by its order, may hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the courts: PROVIDED, That the [commission] department may impose such conditions as may be deemed just and equitable and shall require the payment of interest at the rate of [one-half] three-quarters of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

Sec. 22. Section 11, chapter 28, Laws of 1963 ex. sess. and RCW 82.32.235 are each amended to read as follows:

In addition to the remedies provided in this chapter the [tax commission] department is hereby authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is or shall become due, owing, or belonging to any taxpayer against whom a warrant has been filed.

The notice and order to withhold and deliver shall be served by the sheriff of the county wherein the service is made, or by his deputy, or by any duly authorized representative of the [tax commission] department. Any person, or any political subdivision or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person or political subdivision or department, any property which may be subject to the claim of the [tax commission] department, such property shall be delivered forthwith to the commission or its duly authorized representative upon demand to be held in trust by the [commission] department for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the [tax commission] department conditioned upon final determination of liability.

Should any person or political subdivision fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against such person or political subdivision for the full amount claimed by the [tax commission] department in the notice to withhold and deliver, together with costs.

Sec. 23. Section 82.32.350, chapter 15, Laws of 1961 and RCW 82.32.350 are each amended to read as follows:

The [tax commission, with concurrence of all three members,] department may enter into an agreement in writing with any person relating to the liability of such person in respect of any tax imposed by any of the preceding chapters of this title for any taxable period or periods.

Sec. 24. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050 are each amended to read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and 1971 and 1972 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state and the levy by any county shall not exceed four mills: PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill [; and upon

and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills; the levy by or for any school district shall not exceed seven mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Sec. 25. Section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy for collection in 1968 and 1969 and 1970 and 1971 and 1972 and 1973 respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy [of two mills] for public assistance purposes as provided in RCW 74.04.150 and 84.52.050, as now or hereafter amended.

**NEW SECTION.** Sec. 26. Sections 27 through 31 of this 1971 amendatory act are added to chapter 15, Laws of 1961 and to Title 82 RCW and shall constitute a new chapter therein to be known as chapter 82.13 RCW.

**NEW SECTION.** Sec. 27. It is the intent of this chapter to impose a compensating excise tax upon the consumption or use of electrical energy, with respect to the retail sale of which the tax imposed by chapter 82.16 RCW is not applicable, at the same rate and measure as the tax imposed under the provisions of chapter 82.16 RCW upon persons engaged in the light and power business.

**NEW SECTION.** Sec. 28. There is hereby levied and shall be collected from every person in this state a tax or excise for the privilege of consuming or using within this state, as a consumer or user, electrical energy.

**NEW SECTION.** Sec. 29. The tax imposed in section 28 of this chapter shall not apply to the use or consumption of electrical energy with respect to which tax liability is specifically imposed on the seller under the provisions of chapter 82.16 RCW.

**NEW SECTION.** Sec. 30. The tax shall be levied and collected in an amount equal to the selling price of the electrical energy multiplied by the rate of 3.6 percent. For purposes of this section, the term "selling price of the electrical energy" shall mean the consideration paid by the buyer to the seller with respect to the electrical energy used or consumed.

**NEW SECTION.** Sec. 31. The provisions of chapter 82.32 RCW, insofar as applicable, shall have full force and application with respect to taxes imposed under the provisions of sections 28 through 31 of this 1971 amendatory act.

Sec. 32. Section 8, chapter 214, Laws of 1963 and RCW 84.28.065 are each amended to read as follows:

Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of this chapter, and there shall thereupon become due and owing to the county in which such land is situated the taxes set forth in this section.

(a) A yield tax equal to [twelve and one-half] *twenty-five* percent of the value of the timber or forest crop remaining on the land, based upon full current stumpage rates fixed by the assessor: PROVIDED, That whenever, within a period of twelve years following the classification of any lands as reforestation lands, any such lands shall be removed from classification, the owner thereof shall be required to pay a yield tax upon the timber of [one] *two* percent for each year that has expired from the date of such classification until such removal from classification.

(b) A sum of money equivalent to the amount, if any, by which the tax paid on the land and forest crop because of classification under this chapter is less than the tax paid during the same period on similar land and forest crop that was not classified.

The assessor shall prepare a roll of lands to be removed from classification and shall extend against such lands the taxes computed as provided in this section, and shall forthwith transmit to the county treasurer a record of such taxes; and the county treasurer shall thereupon enter the amount of such taxes upon his records against such lands and their owner; and such taxes shall thereupon become a lien against such lands and timber and also against any forest material that may be cut thereon and against any other real or personal property owned by such owner. Such taxes shall become delinquent on the fifteenth day of March next following the effective date of the commission's order. The lien of such taxes shall be superior, and shall be enforceable, in the same manner and to the same effect as provided in RCW 84.28.140 for collection of yield taxes on materials removed from classified lands: PROVIDED, That payment of such taxes shall be a condition precedent to issuance of an order removing lands from classification pursuant to provisions of RCW 84.28.063: PROVIDED FURTHER, That an order classifying lands or removing lands from classification shall not be retroactive, but the effective date of such order shall not be earlier than the first day of January next following the date of issuance of such order.

Sec. 33. Section 84.28.090, chapter 15, Laws of 1961, as amended by section 10, chapter 214, Laws of 1963 and RCW 84.28.090 are each amended to read as follows:

All lands classified as reforestation lands as provided in this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at [two] eight dollars per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at [one] four dollars per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

Sec. 34. Section 84.28.110, chapter 15, Laws of 1961, as last amended by section 153, chapter 81, Laws of 1971 and RCW 84.28.110 are each amended to read as follows:

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to [twelve and one-half] twenty-five percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: PROVIDED, Whenever within the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of [one] two percent for each year that has expired from the date of such classification until such cutting: PROVIDED, FURTHER, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to appeal to the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected in civil actions at law.

Sec. 35. Section 82.50.010, chapter 15, Laws of 1961 as amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than [thirty-two] thirty-five feet in length or more than eight feet in width, except as hereinafter specifically excluded, and excluding modular homes as defined below.

"Travel trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are [thirty-two] *thirty-five* feet or less in length and eight feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in this section.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

"Commission" means the department of revenue of the state.

"Director" means the director of motor vehicles of the state.

Sec. 36. Section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020 are each amended to read as follows:

An annual excise tax is imposed on the owner of any mobile home [or], travel trailer, or camper for the privilege of using such mobile home [or], travel trailer, or camper in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the mobile home [or], travel trailer, or camper is located at the time payment is made and shall be due on and after January 1st or on the date the mobile home [or], travel trailer, or camper is first purchased or brought into this state, and paid on or before February 4th of each calendar year or thirty days after the mobile home [or], 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 mobile home [or], travel trailer, or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such mobile home [or], travel trailer, or camper has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Sec. 37. Section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each calendar year shall be [one and one-half] *two* percent of the fair market value of the mobile home [or], 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 mobile home [or], travel trailer, or camper used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the mobile home [or], travel trailer, or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A mobile home [or], travel trailer, or camper shall be deemed used for the first time in this state when such vehicle or such camper was not previously licensed by this state for the year or any part thereof immediately preceding the year in which application for license is made.

Sec. 38. Section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040 are each amended to read as follows:

The classification and schedule prepared under RCW 82.44.040 for mobile homes [or], travel trailers, or campers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

Sec. 39. Section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050 are each amended to read as follows:

The tax hereunder for any mobile home [or], travel trailer, or camper not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for mobile homes [or], travel trailers, or campers used as facilities for human habitation.

Sec. 40. Section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070 are each amended to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer, a description of the mobile home [or], travel trailer, or camper, and in the case of a mobile home its location at the time of payment of the tax which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of mobile home [or], travel trailer, or camper, listed alphabetically.

In addition thereto the county auditor or the director shall issue a license plate and register the mobile home or travel trailer as if they were "house trailers" under the provisions of chapter 46.16 and shall collect the additional fees therein provided. Such license plate shall be displayed in the manner prescribed in RCW 46.16.240: PROVIDED,

That when the mobile home or travel trailer is not using the public highways the license plates shall be displayed pursuant to rules or orders promulgated by the department.

Sec. 41. Section 82.50.101, chapter 15, Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101 are each amended to read as follows:

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and other areas where mobile homes, [or] travel trailers, or campers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

Sec. 42. Section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105 are each amended to read as follows:

On or before the thirty-first day of December of each calendar year, the director shall cause to be mailed to the owners of mobile homes [or], travel trailers, or campers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the mobile home [or], 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, the director may forward a notification of delinquency to the county sheriff of the county wherein the mobile home [or], travel trailer, or camper is located, requesting distraint of said mobile home [or], travel trailer, or camper.

Sec. 43. Section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110 are each amended to read as follows:

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.

The tax hereunder shall be a specific lien on the mobile home [or], 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 mobile home [or], travel trailer, or camper may become charged or liable, after July 1, 1957, and no sale or transfer of any mobile home [or], travel trailer, or camper shall in any way affect the lien for such excise tax upon the mobile home [or], travel trailer, or camper.

Sec. 44. Section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120 are each amended to read as follows:

It shall be unlawful for any owner or other person to remove a mobile home [or], travel trailer, or camper from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

Sec. 45. Section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130 are each amended to read as follows:

When notified by the director that the excise tax is delinquent on any mobile home [or], travel trailer, or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the mobile home [or], travel trailer, or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the mobile home [or], travel trailer, or camper, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the mobile home [or], travel trailer, or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the mobile home [or], travel trailer, or camper, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such mobile home [or], travel trailer, or camper, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12.

Sec. 46. Section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140 are each amended to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the mobile home [or], travel trailer, or camper by posting written notices in three public places in the county in which the mobile home [or], travel trailer, or camper is located, one of which shall be at the county court house of such county, and by posting a written notice on



the mobile home [or], travel trailer, or camper in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the mobile home [or], travel trailer, or camper will be sold. He shall tax the same fees for making the distraint and sale of the mobile home [or], travel trailer, or camper for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the mobile home [or], travel trailer, or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such mobile home [or], travel trailer, or camper and posting of the notices, the sheriff shall proceed to sell the mobile home [or], travel trailer, or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the mobile home [or], travel trailer, or camper so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

Sec. 47. Section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: [Twenty] Fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; [twenty] fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and [sixty] seventy percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. [No portion] Fifty percent of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW [28.41.130] 28A.41.130.

Sec. 48. Section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180 are each amended to read as follows:

The following mobile homes [or], travel trailers, or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied mobile home [or], travel trailer, or camper when it is part of an inventory of mobile homes [or], travel trailers, or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A mobile home [or], travel trailer, or camper owned by any government or political subdivision thereof.

(3) A mobile home [or], travel trailer, or camper owned by a nonresident and currently licensed in another state, unless such mobile home [or], travel trailer, or camper shall remain in this state for a period of ninety days or more during the calendar year.

*For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.*

(4) Mobile homes or travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

(5) A mobile home which has substantially lost its identity as a mobile unit by virtue of being permanently fixed in location upon land owned by the owner of the mobile home and placed on a permanent foundation, subsequent to the removal of the hitch, wheels and axles of said unit, and with fixed pipe connections with sewer, water or other utilities.

Following the permanent placement of said mobile home as provided herein, and upon the request of the owner, made to the county assessor, the assessor shall confirm compliance with the conditions of this subsection and if the unit so qualifies, the unit will be entered on the real property tax rolls of the involved county, and said unit shall be exempted from the provisions of this chapter from and after the date it is assessed as a part of the real property.

Sec. 49. Section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190 are each amended to read as follows:

No mobile home [or], travel trailer, or camper which is a part of the inventory of mobile homes [or], travel trailers, or campers held for sale by a dealer in the course of his business and no mobile home [or], travel trailer, or camper with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

*Notwithstanding any provision of law to the contrary, on January 1, 1972, any owner of a camper who has failed to list his camper for the purposes of ad valorem taxation shall be relieved of any liability for such failure.*

Sec. 50. Section 82.50.200, chapter 15, Laws of 1961 as amended by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200 are each amended to read as follows:

Mobile homes [or], travel trailers, or campers taxed and licensed under the provisions

of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Sec. 51. Section 82.44.030, chapter 15, Laws of 1961 and RCW 82.44.030 are each amended to read as follows:

Every dealer in motor vehicles, for the privilege of using any motor vehicle eligible to be used under a set of dealer's license plates, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original set of dealer's license plates, and also a similar tax shall be collected upon the issuance of each set of dealer's duplicate license plates, which taxes shall be in addition to any tax otherwise payable under this chapter: *PROVIDED, That no dealer's license plates shall be required on any camper as defined in RCW 82.50.010 when the motor vehicle carrying such camper is using dealer license plates.*

*NEW SECTION.* Sec. 52. There is added to chapter 82.44 RCW a new section to read as follows:

The department of revenue and association of county assessors 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.

*NEW SECTION.* Sec. 53. (1) Sections 35 through 52 and section 54 of this 1971 amendatory act shall take effect on July 1, 1971, except that the provisions of chapter 82.50 RCW imposing a tax on campers shall not take effect until January 1, 1972.

(2) Sections 36 through 50 of this 1971 amendatory act shall be operative and in effect only until and including December 31, 1972, at which time, they, in their entirety, shall expire without any further action of the legislature. The expiration of such sections shall not be construed as affecting any existing right acquired under the expired statutes, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

(3) Sections 55 through 76 of this 1971 amendatory act shall take effect on January 1, 1973 without any further action of the legislature.

Sec. 54. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

"Motor vehicle" means all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, (4) [house trailers] *mobile homes and travel trailers* as defined in RCW 82.50.010, or (5) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

"Commission" or "tax commission" means the [tax commission] *department of revenue* of the state.

*NEW SECTION.* Sec. 55. There is added to chapter 82.50 RCW a new section 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 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 or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before January 31st of each calendar 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 year or fractional part thereof in which such transfer occurs.

*NEW SECTION.* Sec. 56. There is added to chapter 82.50 RCW a new section to read as follows:

The rate and measure of tax imposed by this chapter for each calendar year shall be two 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 month shall only be levied for the remaining months of the calendar 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 year or any part thereof immediately preceding the year in which application for license is made.

*NEW SECTION.* Sec. 57. There is added to chapter 82.50 RCW a new section to read as follows:

The classification and schedule prepared under RCW 82.44.040 for travel trailers or campers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

**NEW SECTION.** Sec. 58. There is added to chapter 82.50 RCW a new section to read as follows:

The tax hereunder for any travel trailer or camper not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for travel trailers or campers used as facilities for human habitation.

**NEW SECTION.** Sec. 59. There is added to chapter 82.50 RCW a new section to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer and a description of the travel trailer or camper, which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of travel trailers or campers, listed alphabetically.

**NEW SECTION.** Sec. 60. There is added to chapter 82.50 RCW a new section to read as follows:

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and any other areas where travel trailers or campers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

**NEW SECTION.** Sec. 61. There is added to chapter 82.50 RCW a new section to read as follows:

On or before the fifteenth day of February of each calendar year, 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 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, 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. 62. There is added to chapter 82.50 RCW a new section to read as follows:

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.

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, 1957, 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.

**NEW SECTION.** Sec. 63. There is added to chapter 82.50 RCW a new section to read as follows:

It shall be unlawful for any owner or other person to remove a travel trailer or camper from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

**NEW SECTION.** Sec. 64. There is added to chapter 82.50 RCW a new section to read as follows:

When notified by the director that the excise tax is delinquent on any travel trailer or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the travel trailer or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the travel trailer or camper, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the travel trailer or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the travel trailer or camper, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such travel trailer or camper, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided, shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12 RCW.

**NEW SECTION.** Sec. 65. There is added to chapter 82.50 RCW a new section to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the travel trailer or camper by posting written notices in three public places in the county in which the travel trailer or camper is located, one of which shall be at the county court house

of such county, and by posting a written notice on the travel trailer or camper in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the travel trailer or camper will be sold. He shall tax the same fees for making the distraint and sale of the travel trailer or camper for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the travel trailer or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such travel trailer or camper and posting of the notices, the sheriff shall proceed to sell the travel trailer or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the travel trailer or camper so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

**NEW SECTION.** Sec. 66. There is added to chapter 82.50 RCW a new section to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. All of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28A.41.130.

**NEW SECTION.** Sec. 67. There is added to chapter 82.50 RCW a new section to read as follows:

The following travel trailers or campers are specifically exempted from the operation of this chapter:

- (1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.
- (2) A travel trailer or camper owned by any government or political subdivision thereof.

- (3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper shall remain in this state for a period of ninety days or more during the calendar year.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

- (4) Travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

**NEW SECTION.** Sec. 68. There is added to chapter 82.50 RCW a new section to read as follows:

No mobile home, travel trailer, or camper which is a part of the inventory of mobile homes, travel trailers, or campers held for sale by a dealer in the course of his business and no travel trailer or camper with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

**NEW SECTION.** Sec. 69. There is added to chapter 82.50 RCW a new section to read as follows:

Travel trailers or campers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Sec. 70. Section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090 are each amended to read as follows:

The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the state of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation. *Except for the purposes of chapters 84.56 and 84.60 RCW, the term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being permanently fixed in location upon land owned or leased by the owner of the mobile home and placed on a permanent foundation with fixed pipe connections with sewer, water, or other utilities.*

Sec. 71. Section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use.

(2) The personal property, other than specified in subdivision (1) hereof, of each head of a family liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars of actual values: PROVIDED, That this exemption shall not apply to any private motor vehicle, or mobile home, and: PROVIDED, FURTHER, That if the county assessor is satisfied that all of the personal property of any person is exempt from taxation under the provisions of this statute or any other statute providing exemptions for personal property, no listing of such property shall be required; but if the personal property described in subdivision (2) of this section exceeds in value the amount allowed as exempt, then a complete list of said personal property shall be made as provided by law, and the county assessor shall deduct the amount of the exemption authorized by this subdivision from the total amount of the assessment and assess the remainder.

Sec. 72. Section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120 are each amended to read as follows:

For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a widow, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width.

NEW SECTION. Sec. 73. There is added to chapter 82.50 RCW a new section to read as follows:

The provisions of chapter 82.50 RCW shall remain applicable to mobile homes through December 31, 1972. All mobile homes subject to the property tax shall be listed and assessed for the first time on January 1, 1972 and such tax shall be paid during 1973 in accordance with the laws of this state.

NEW SECTION. Sec. 74. There is added to chapter 84.40 RCW a new section to read as follows:

The director of revenue shall prepare a schedule of the value of mobile homes for property tax purposes. A copy of such schedule shall be sent to all county assessors and to the director of the department of motor vehicles.

NEW SECTION. Sec. 75. There is added to chapter 84.40 RCW a new section to read as follows:

Every person who wilfully avoids the payment of personal property taxes on mobile homes subject to such tax under the laws of this state shall be guilty of a misdemeanor.

NEW SECTION. Sec. 76. At the expiration of December 31, 1972 and simultaneously with the taking effect of sections 55 through 76 of this 1971 amendatory act, the following acts and parts of acts are hereby repealed:

(1) Section 82.50.020, chapter 15, Laws of 1961, section 45, chapter 149, Laws of 1967 ex. sess., section 1, chapter 69, Laws of 1969 and RCW 82.50.020;

(2) Section 82.50.030, chapter 15, Laws of 1961, section 7, chapter 199, Laws of 1963, section 29, chapter 173, Laws of 1965 ex. sess., section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030;

(3) Section 82.50.040, chapter 15, Laws of 1961, section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040;

(4) Section 82.50.050, chapter 15, Laws of 1961, section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050;

(5) Section 82.50.070, chapter 15, Laws of 1961, section 49, chapter 149, Laws of 1967 ex. sess., section 2, chapter 69, Laws of 1969 and RCW 82.50.070;

(6) Section 82.50.101, chapter 15, Laws of 1961, section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101;

(7) Section 82.50.105, chapter 15, Laws of 1961, section 8, chapter 199, Laws of 1963, section 1, chapter 92, Laws of 1965 ex. sess., section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105;

(8) Section 82.50.110, chapter 15, Laws of 1961, section 2, chapter 92, Laws of 1965 ex. sess., section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110;

(9) Section 82.50.120, chapter 15, Laws of 1961, section 9, chapter 199, Laws of 1963, section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120;

(10) Section 82.50.130, chapter 15, Laws of 1961, section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130;

(11) Section 82.50.140, chapter 15, Laws of 1961, section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140;

(12) Section 82.50.160, chapter 15, Laws of 1961, section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160;

(13) Section 82.50.180, chapter 15, Laws of 1961, section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180;

(14) Section 28, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.185;

(15) Section 82.50.190, chapter 15, Laws of 1961, section 57, chapter 149, Laws of 1967 ex. sess., section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190; and

(16) Section 82.50.200, chapter 15, Laws of 1961, section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed; nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

Sec. 77. Section 82.26.020, chapter 15, Laws of 1961 as amended by section 25, chapter 173, Laws of 1965 ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, [1965] 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of [thirty] *forty-five* percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1959.

Each distributor, within twenty days after July 1, 1959 shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1959 and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after July 1, 1959 and thereafter shall bear interest at the rate of one percent per month.

**NEW SECTION.** Sec. 78. If any phrase, clause, subsection or section of this 1971 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1971 amendatory act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

**NEW SECTION.** Sec. 79. This 1971 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 as follows:

(1) Section 1 through 12, 15 through 34 and 53 shall take effect July 1, 1971;

(2) Sections 13, 14, and 77 and 78 shall take effect June 1, 1971; and

(3) Sections 35 through 52 and 54 through 76 shall take effect as provided in section 53.

Signed by: Senators Lewis, Donohue and Sandison; Representatives Flanagan and Pardini.

#### MOTION

On motion of Senator Atwood, the report of the Free Conference Committee on Substitute Senate Bill No. 897 was adopted.

#### PERSONAL PRIVILEGE

Senator Greive: "I wanted to note we are well past midnight and I want it also clearly understood that after the redistricting bill was voted down by the House and its return was requested by the Secretary of the Senate, but they refused to send it over to us. Because it was a House bill, after the Senate amended the bill it was sent over for them to concur, but they did not concur and instead of returning it to the Senate, the bill was held as a matter of policy, and other bills were sent over subsequently. I think that that has to be in the record for this reason, that if we go to the district court it is going to be very interesting to establish that fact. I am sorry to have to make that statement but I think it has to be said."

#### PERSONAL PRIVILEGE

Senator Bailey: "I am not going to make any comment on time. I think we have had a long day. I would like to make one comment, that hours ago the State Senate of the state of

Washington passed a budget bill for the state of Washington; it passed a supplemental budget bill for the state of Washington; it passed the capital budget bill for the state of Washington; it passed property tax relief for the citizens of the state of Washington; it passed industrial insurance for the workers of the state of Washington; it probably has done many other things that I cannot think of right off hand. These are the main things that we have done in this State Senate.

"If there is anything blown here in this session tonight or any other time, it was blown in the House of Representatives. I think our caucus was willing to go along and play the game, that was the way we were going, and I am very sorry that some of our members have not seen fit to follow the dictates of the caucus as I understood it as chairman of the caucus, and come out and try to, at this time, wreck a bill that we are going to consider.

"I notice that one bill we passed that probably might have been passed a few minutes after midnight was a bill, Senate Bill No. 59 relating to judges' pensions. I think it might be a very interesting case to see if there is going to be anything go to court just how far and how legal and how limited the legislature is. But I think we should proceed at this time and pass this bill, wind up the session and go home."

#### PERSONAL PRIVILEGE

Senator Atwood: "I am not going to talk about the legal matters here, but the House of Representatives did pass Substitute House Bill No. 283 some weeks ago. The House did pass the capital budget some weeks ago. We have had the capital budget here; we just ran it out this afternoon. They bought the Senate version. They bought the Senate version of the supplemental. I do not think this is the time for acrimony but I think if anybody blew it, it was fooling around with redistricting for one hundred and twenty days when it was known we could not do the job without the verified census tapes."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 897, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; absent or not voting, 3; excused, 1.

Voting yea: Senators Andersen, Atwood, Bailey, Canfield, Clarke, Connor, Donohue, Durkan, Francis, Gissberg, Greive, Guess, Henry, Herr, Jolly, Murray, Peterson (Lowell), Peterson (Ted), Ridder, Sandison, Scott, Twigg, Walgren, Washington, Whetzel—25.

Voting nay: Senators Cooney, Day, Dore, Elicker, Fleming, Foley, Gardner, Holman, Huntley, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Newschwander, Odegaard, Stortini, Talley, Wilson—20.

Absent or not voting: Senators McCutcheon, Metcalf, Woodall—3.

Excused: Senator Stender—1.

SUBSTITUTE SENATE BILL NO. 897, 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.

#### STATEMENT

May 10, 1971.

This will state that at approximately 11:00 p.m. on Monday, May 10, 1971, the sixtieth day of the extraordinary session of the forty-second legislature, I was working on the rostrum during the evening session, when Senator R. R. Bob Greive inquired of the President if Engrossed House Bill No. 747 had been returned from the House with a Message that the House had refused to concur in the Senate amendments and asked the Senate to recede therefrom.

Senator Greive indicated that if the message was there he wanted the Senate to insist on the Senate amendments and once again ask the House to concur in the Senate amendments. He felt that he had sufficient votes to pass the bill if it was returned to the House for another vote.

I called the House Work Room to find out how soon Engrossed House Bill No. 747 would be returned to the Senate. I was informed by Ellen Hansen, Supervisor of the House Work Room, that the message was ready to go but the House leadership was holding the bill.

The Senate never received the message or the bill during the remaining hours of the session.

Signed: SIDNEY R. SNYDER, Secretary of the Senate.

At 2:45 a.m., there being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 3:42 a.m.

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

### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House has passed ENGROSSED SENATE CONCURRENT RESOLUTION NO. 31 with the following amendment:

On page 2, line 6 strike all matter to and including "fish" on line 10 and insert "appoint eight Senate members and the Speaker of the House of Representatives shall appoint eight House members to serve as the interim committee on fisheries, game and game fish",

and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

### MOTION

On motion of Senator Atwood, the Senate concurred in the House amendment and Engrossed Senate Concurrent Resolution No. 31, as amended by the House, was adopted.

May 10, 1971.

Mr. President: The House has passed SENATE CONCURRENT RESOLUTION NO. 29 with the following amendment:

On page 1, line 21 strike all matter to and including "four" on line 26 and insert the following:

"BE IT FURTHER RESOLVED, That the municipal committee shall consist of eleven members, four senators, two from each political party, to be appointed by the President of the Senate and four representatives, two from each political party, to be appointed by the Speaker of the House of Representatives, and the other three members, who shall be city officials, shall be selected by the eight",

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 and Senate Concurrent Resolution No. 29, as amended by the House, was adopted.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 735 and has passed the bill as amended by the Free Conference Committee.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 151 and has passed the bill as amended by the Free Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has passed REENGROSSED SENATE BILL NO. 98, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted:  
SENATE CONCURRENT RESOLUTION NO. 28,  
SENATE CONCURRENT RESOLUTION NO. 32,  
and the same are herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 926, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 411 and has passed the bill as amended by the Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.



May 10, 1971.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 464 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted the report of the Conference Committee on HOUSE BILL NO. 684 and has passed the bill as amended by the Conference Committee.

DONALD R. WILSON, Assistant Chief Clerk.

## SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 863,  
 SENATE BILL NO. 865,  
 SUBSTITUTE SENATE BILL NO. 866,  
 SENATE BILL NO. 883,  
 SUBSTITUTE SENATE BILL NO. 897,  
 SENATE BILL NO. 903,  
 SUBSTITUTE SENATE BILL NO. 915,  
 SUBSTITUTE SENATE BILL NO. 926,  
 SENATE JOINT RESOLUTION NO. 38,  
 SENATE CONCURRENT RESOLUTION NO. 4,  
 SENATE CONCURRENT RESOLUTION NO. 23,  
 SENATE CONCURRENT RESOLUTION NO. 28,  
 SENATE CONCURRENT RESOLUTION NO. 29,  
 SENATE CONCURRENT RESOLUTION NO. 31,  
 SENATE CONCURRENT RESOLUTION NO. 32,  
 SENATE JOINT MEMORIAL NO. 5.

## MOTION

Senator Greive moved that the following interim committee appointments be confirmed:

ARTS COMMISSION, WASHINGTON STATE (under provisions of RCW 43.46.020):

Senator Dore.

BANKING, INSURANCE AND UTILITY REGULATION (under provisions of SCR 32, 1971 EX.):

Senators Clarke, Day, Herr, Mardesich, Newschwander and Twigg; Senators Fleming and Lewis, Liaison.

DATA PROCESSING ADVISORY COMMITTEE (under provisions of RCW 43.105.031):

Senators Foley and Huntley.

EDUCATION COMMISSION OF THE STATES (under provisions of RCW 28.92.020):

Senator Sandison.

EDUCATION, JOINT COMMITTEE ON (under provisions of RCW 44.33.220):

Senators Francis, Huntley, Metcalf, Odegaard and Ridder.

EXPO '74 COMMISSION (under provisions of Chapter 1, Laws of 1971 EX.):

Senators Day, Keefe and Twigg.

FISHERIES, GAME AND GAME FISH, INTERIM COMMITTEE ON (under provisions of SCR 31, 1971 EX.):

Senators Donohue, Herr, Knoblauch, Metcalf, Peterson (Lowell), Peterson (Ted), Talley and Woodall.

FOREST TAX COMMITTEE (under provisions of Chapter 294, Laws of 1971 EX.):

Senators Durkan and Lewis.

GOVERNMENTAL COOPERATION, JOINT COMMITTEE ON (under provisions of SCR 28, 1971 EX.):

Lieutenant Governor Cherberg; Senators Connor, Dore, Greive, Holman, Metcalf, Washington and Woodall; Senators Day and McCutcheon, Liaison.

- HIGHER EDUCATION, COUNCIL ON (under provisions of RCW 28B.80.040):  
Senators Sandison and Scott.
- HIGHER EDUCATION, JOINT COMMITTEE ON (under provisions of RCW 44.30.020):  
Senators Holman, Huntley, Sandison, Stortini and Wilson.
- INTERSTATE COMPACT COMMISSION (COLUMBIA) (under provisions of RCW 43.57.010):  
Senators Cooney and Matson.
- JUDICIAL COUNCIL (under provisions of RCW 2.52.010):  
Senators Dore, Gissberg and Holman.
- LEGISLATIVE BUDGET COMMITTEE, STATE (under provisions of RCW 44.28.010):  
Senators Andersen, Atwood, Canfield, Dore, Durkan, Foley, Mardesich and Newschwander; Senator Gardner, Liaison.
- LEGISLATIVE COUNCIL, STATE (under provisions of RCW 44.24.010):  
Senators Bailey, Cooney, Day, Elicker, Gissberg, Greive, Keefe, Knoblauch, Lewis, Matson, Murray, Peterson (Ted), Stender, Talley and Woodall; Senators Herr, Whetzel and Wilson, Liaison.
- LEGISLATIVE ETHICS, BOARD OF (under provisions of RCW 44.60.020):  
Senators Andersen, Bailey, Dore and Huntley.
- MUNICIPAL COMMITTEE (under provisions of SCR 29, 1971 EX.):  
Senators Gardner, McDougall, Twigg and Walgren.
- NUCLEAR ENERGY, JOINT COMMITTEE ON (under provisions of 44.39.015):  
Senators Canfield, Francis, Jolly and Matson.
- OCEANOGRAPHIC COMMISSION OF WASHINGTON (under provisions of RCW 43.94.020):  
Senators Gardner, Murray and Talley.
- PERMANENT PROPERTY TAX COMMITTEE (under provisions of Chapter 288, Laws of 1971 EX.):  
Senators Canfield, Donohue, Holman and Odegaard.
- PUBLIC EMPLOYEES' COLLECTIVE BARGAINING, INTERIM COMMITTEE ON (under provisions of RCW 41.56.405):  
Senators Clarke and Stortini.
- PUBLIC PENSION COMMISSION, STATE (under provisions of RCW 41.52.010):  
Senators Fleming, Francis, Newschwander, Ridder and Scott.
- SENATE FACILITIES AND OPERATIONS COMMITTEE (under provisions of SFR 1971-EX-114):  
Senators Atwood, Bailey, Greive, Lewis and Sandison.
- STATE EMPLOYEES' INSURANCE BOARD (under provisions of RCW 41.05.020):  
Senator Odegaard.
- STATE LAND PLANNING COMMISSION (under provisions of Chapter 287, Laws of 1971 EX.):  
Senators Elicker, Gardner, Gissberg and Whetzel.
- STATUTE LAW COMMITTEE (under provisions of RCW 1.08.001):  
Senators Clarke and Walgren.
- TRANSPORTATION COMMITTEE, LEGISLATIVE (under provisions of RCW 44.40.010 and Chapter 195, Laws of 1971 EX.):  
Senators Connor, Donohue, Elicker, Guess, Henry, Huntley, McDougall, Peterson (Lowell), Stortini, Walgren and Washington; Senator Jolly, Liaison.

The motion by Senator Greive carried and the interim committee appointments were confirmed.

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

SENATE RESOLUTION: 1971-EX-115

By Senators Bailey and Atwood:

WHEREAS, The First Extraordinary Session of the Forty-Second Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the First Extraordinary Session of the Forty-Second Legislature and the commencement of the Forty-Third Regular Session;

NOW, THEREFORE, BE IT RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to complete the work of the session, to reply to and give necessary attention to correspondence and other details arising therefrom, and to accomplish such purpose that he be allowed additional compensation at his regular per diem rate therefor for a period of sixty days; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized to retain such employees as he may deem necessary and that said employees be allowed such per diem rate of pay therefor as the Secretary of the Senate and the Chairman of the Senate Facilities and Operations Committee shall deem proper; in the event that there is not a Senate Committee on Facilities and Operations, the Secretary of the Senate and the Chairman of the Senate Employment Committee are hereby authorized to retain such employees; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute with the President of the Senate, or the President Pro Tempore, the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn from funds provided therefor for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to have a copy of the Senate Journal of the Forty-Second Regular and First Extraordinary Session of the Legislature, together with a suitable index therefor, prepared by the State Printer, and that he, as salary for his work in compiling, editing and indexing the printed journal, be paid the sum of twelve hundred dollars, said amount to be paid from Senate legislative appropriations, the State Treasurer being hereby authorized and directed to issue a warrant when the printer shall certify that the reading of the proof on the journal index has been completed and the same found to be correct; and

BE IT FURTHER RESOLVED, That after the close of the session the Secretary of the Senate, and the President, or the President Pro Tempore of the Senate be, and they hereby are, authorized and directed to prepare and execute the necessary vouchers, upon which warrants shall be drawn for the final payment of all expenses incurred after the adjournment of this First Extraordinary Session of the Forty-Second Legislature in closing the business of such session, in providing for the interim period between the closing of such session and the convening of the next regular or special session of the legislature and in the preparation for such convening; and

BE IT FURTHER RESOLVED, That the Sergeant at Arms be, and he hereby is, directed to see that the Senate Chambers and adjoining rooms, furniture and equipment are clean and in good order, and for this purpose the Sergeant at Arms be allowed, after the closing of the session, for the completion of his work with the Regular and First Extraordinary Session of the Forty-Second Legislature, thirty days at his regular per diem rate therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate collect the keys to desks and rooms in and surrounding the Senate Chamber and change, or cause to be changed, the locks on any and all doors and desks and drawers in the interest of security, and that he further take charge of all equipment, files, books and records in all rooms in and adjoining the Senate Chamber, except in the Lieutenant Governor's office; and

BE IT FURTHER RESOLVED, That the Senate Chamber, committee rooms, work rooms, lounges, post office, bill room, storage rooms and the Sergeant at Arms offices, and all other rooms in and adjacent to the Senate Chamber, except the Lieutenant Governor's offices, together with the first floor of the legislative building at the east portion of said floor, and the fourth floor of the public lands building, and the east half of the garage be placed in the custody, care and control of the Senate Facilities and Operations Committee and the Secretary of the Senate, and where any use of the Senate Chamber is granted requiring the attendance of the Secretary, that in addition to such salary as he may then be drawing, he be allowed statutory expenses therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That the use of the chamber shall not be granted for other than legislative purposes; and

BE IT FURTHER RESOLVED, That such use of the chamber and rooms for a YMCA Youth Legislature and Governor's Safety Conference is permitted upon such terms as the Secretary shall deem proper; and

BE IT FURTHER RESOLVED, That the State Treasurer be, and he is hereby directed to draw his warrants for the payment of salaries, per diems, in lieu payments, and reimbursements of and to the members of the Senate, the elected officers of the Senate, and retained employees each month upon vouchers signed by the members, officers or employees and approved by the President of the Senate or the President Pro Tempore of the Senate and by the Secretary of the Senate, and he is authorized to deliver the warrants to the Secretary of the Senate for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That all accounts payable incurred up to and including this date, covering Senate expenditures made, or obligations incurred, which are payable out

of the funds appropriated for the payment of expenses of the Regular and First Extraordinary Sessions of the Forty-Second Legislature of the state of Washington, and which are presented for payment after adjournment of the First Extraordinary Session of the Forty-Second Legislature, before payment is authorized, must bear the approval of the President or President Pro Tempore of the Senate, and the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he is hereby authorized and directed to attend the session of the National Legislative Conference of the Council of State Governments, and while in attendance upon such conference he shall be allowed compensation at his regular per diem rate together with actual necessary expenses, to be paid on his voucher out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That upon a call for a special session the Secretary of the Senate be allowed additional compensation at his regular per diem rate therefor for as many days, not exceeding thirty in number, as intervene between the Governor's proclamation summoning the special session and the opening day thereof; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is authorized and directed, during not more than sixty days prior to the opening of the next regular session of the legislature, and preceding the opening of special sessions, to hire necessary employees, to prepare the work rooms and committee rooms, members' offices for occupancy and use in sufficient time to make them available, helpful and beneficial to the members, and to procure in connection therewith sufficient supplies, including Senate Dockets, and an adequate number of Reed's Parliamentary Rules and legislative manuals, to enable the Senate to commence its work as promptly as possible, and for such purposes that he be allowed compensation at his regular per diem rate therefor; and

BE IT FURTHER RESOLVED, That during the interim between sixty days following the conclusion of the First Extraordinary Session of the Forty-Second Legislature and the sixty or less days preceding the opening of the Forty-Third Regular Session, exclusive however of such time prior, during or after a special session as he may be upon regular per diem rate of compensation, the Secretary of the Senate be compensated for his services in handling correspondence, preparing payrolls, processing vouchers, and performing such other services as may be required, at a monthly salary of four hundred dollars; and

BE IT FURTHER RESOLVED, That the Sergeant at Arms be, and he hereby is, directed to do the necessary work during the interim and in connection with the opening of the Forty-Third Regular Session, and that for such work he be allowed a salary of three hundred dollars per month; and

BE IT FURTHER RESOLVED, That upon a call for a special session, for necessary work in preparation for the opening of such session the Sergeant at Arms be allowed additional compensation at his regular per diem rate therefor for as many days, not exceeding fifteen in number, as intervene between the Governor's proclamation summoning the special session and the opening day thereof; and

BE IT FURTHER RESOLVED, That the State Treasurer be, and he hereby is, directed to draw his warrants for the payment of salaries and/or per diem of the Secretary of the Senate, of the Sergeant at Arms and of necessary employees each month upon vouchers signed by the President of the Senate or the President Pro Tempore of the Senate and attested by the Secretary of the Senate, and he is authorized to deliver the warrants to the Secretary of the Senate for delivery or mailing to those entitled thereto.

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

#### SENATE RESOLUTION: 1971-EX-116

By Senators Bailey and Atwood:

BE IT RESOLVED, That all bills, resolutions and memorials in the hands of the Secretary of the Senate, committees or committee clerks be indefinitely postponed.

#### SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 18,  
 SUBSTITUTE SENATE BILL NO. 51,  
 SENATE BILL NO. 52,  
 SENATE BILL NO. 59,  
 SENATE BILL NO. 68,  
 SENATE BILL NO. 82,  
 SUBSTITUTE SENATE BILL NO. 90,  
 SENATE BILL NO. 98,  
 SENATE BILL NO. 108,  
 SENATE BILL NO. 164,  
 SENATE BILL NO. 176,  
 SENATE BILL NO. 185,

SENATE BILL NO. 188,  
 SENATE BILL NO. 209,  
 SENATE BILL NO. 214,  
 SUBSTITUTE SENATE BILL NO. 216,  
 SENATE BILL NO. 269,  
 SENATE BILL NO. 273,  
 SENATE BILL NO. 288,  
 SENATE BILL NO. 295,  
 SENATE BILL NO. 298,  
 SENATE BILL NO. 335,  
 SENATE BILL NO. 391,  
 SUBSTITUTE SENATE BILL NO. 401,  
 SENATE BILL NO. 408,  
 SENATE BILL NO. 428,  
 SENATE BILL NO. 449,  
 SENATE BILL NO. 450,  
 SENATE BILL NO. 467,  
 SENATE BILL NO. 485,  
 SENATE BILL NO. 522,  
 SENATE BILL NO. 525,  
 SUBSTITUTE SENATE BILL NO. 542,  
 SENATE BILL NO. 545,  
 SENATE BILL NO. 594,  
 SENATE BILL NO. 605,  
 SENATE BILL NO. 606,  
 SENATE BILL NO. 612,  
 SENATE BILL NO. 658,  
 SUBSTITUTE SENATE BILL NO. 678,  
 SENATE BILL NO. 720,  
 SUBSTITUTE SENATE BILL NO. 796,  
 SENATE BILL NO. 861.

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

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: Under the provisions of RCW 44.28.010, the Speaker has appointed as members of the Legislative Budget Committee: Representatives Backstrom, Chatalas, Curtis, Goldsworthy, Kopet, Marsh, Shera, Thompson, Barden, Liaison; Shinpoch, Liaison.  
DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 43.57.010, the Speaker has appointed as members of the Columbia Interstate Compact Commission: Representatives Haussler, Newhouse.  
DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.24.010, the Speaker has appointed as members of the Legislative Council: Representatives Bottiger, Charette, Copeland, Cunningham, Grant, Harris, Haussler, Juelling, May, Moon, Morrison, Newhouse, North, O'Brien, Swayze, Wolf, Douthwaite, Liaison; Farr, Liaison; Knowles, Liaison; Kuehnle, Liaison; Van Dyk, Liaison; Zimmerman, Liaison.  
DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 43.105.031, the Speaker has appointed as a member of the Data Processing Advisory Council: Representative Shinpoch.  
DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 28.92.010, the Speaker has appointed as a member of the Education Commission of the States: Representative Lynch.  
DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.33.220, the Speaker has appointed as members of the Joint Committee on Education: Representatives Brouillet, Brown, Flanagan, Hoggins, Luders, Hatfield, Liaison; Johnson, Liaison.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.60.020, the Speaker has appointed as members of the Board of Legislative Ethics: Representatives Farr, Hurley, Paris, Perry.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Senate Bill No. 737, the Speaker has appointed as members of the Expo 1974 Commission: Representatives Curtis, McCormick, Pardini.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Senate Concurrent Resolution No. 31, the Speaker has appointed as members of the Interim Committee on Fisheries, Game and Game Fish: Representatives Adams, Bradley, Costanti, Hurley, Jastad, Martinis, Schumaker, Smythe.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Substitute Senate Bill No. 849, the Speaker has appointed as members of the Forest Tax Committee: Representatives Benitz, Sawyer.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Senate Concurrent Resolution No. 28, the Speaker has appointed as members of the Joint Committee on Governmental Cooperation: Representatives Barden, Bluechel, Gallagher, Kirk, Lysen, Marzano, Polk.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.30.020, the Speaker has appointed as members of the Joint Committee on Higher Education: Representatives Charnley, Gladder, Kiskaddon, Maxie, Rabel.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 28B.80.040, the Speaker has appointed as members of the Council on Higher Education: Representatives McDermott, Lynch.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 2.52.010, the Speaker has appointed as members of the Judicial Council: Representatives Eikenberry, Julin, Wojahn.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of House Bill No. 865, the Speaker has appointed as members of the State Land Planning Commission: Representatives Bluechel, Randall, Williams, Zimmerman.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Senate Concurrent Resolution No. 29, the Speaker has appointed as members of the Municipal Committee: Representatives Blair, Merrill, Rosellini, Ross.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.39.010, the Speaker has appointed as members of the Joint Committee on Nuclear Energy: Representatives Benitz, Bledsoe, Kilbury, Savage.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 43.94.020, the Speaker has appointed as members of the Oceanographic Commission of Washington: Representatives Ceccarelli, Hubbard, Mentor.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 41.56.405, the Speaker has appointed as members of the Interim Committee on Public Employees' Collective Bargaining: Representatives Hubbard, King.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 41.52.010, the Speaker has appointed as members of the State Public Pension Commission: Representatives Conway, Gallagher, Jones, Johnson, Kuehnle.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Substitute House Bill No. 283, the Speaker has appointed as members of the Property Tax Committee: Representatives Bottiger, Flanagan, Julin, Williams.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 41.05.020, the Speaker has appointed as a member of the State Employees' Insurance Board: Representative Shera.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 1.08.001, the Speaker has appointed as a member of the Statute Law Committee: Representative Eikenberry.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 44.40.010, the Speaker has appointed as members of the Legislative Transportation Committee: Representatives Amen, Anderson, Beck, Berentson, Bozarth, Conner, Gilleland, Hansey, Kraabel, Perry, Spanton, Wanamaker, Bauer, Liaison, Ross, Liaison.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of Senate Concurrent Resolution No. 32, the Speaker has appointed as members of the Interim Committee on Banking, Insurance and Utility Regulation: Representatives Bagnariol, Jones, Litchman, Pardini, Sawyer, Smith, Hatfield, Liaison.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 74.36.010, the Speaker has appointed as members of the Washington State Council on Aging: Representatives Conner, Kirk.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: Under the provisions of RCW 43.46.020, the Speaker has appointed as a member of the Washington State Arts Commission: Representative Polk.

DONALD R. WILSON, Assistant Chief Clerk.

May 10, 1971.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 44, and the same is herewith transmitted. DONALD R. WILSON, Assistant Chief Clerk.

## INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 44, by Representative Bledsoe:

Appointing committee to notify Governor the legislature is about to adjourn *SINE DIE*.

On motion of Senator Guess, the rules were suspended, House Concurrent Resolution No. 44 was advanced to second reading and read the second time in full.

On motion of Senator Guess, the rules were suspended, House Concurrent Resolution No. 44 was advanced to third reading, the second reading considered the third and the resolution was adopted.

SENATE RESOLUTION: 1971-EX-117

By Senators Bailey and Atwood:

BE IT RESOLVED, That a committee of three members of the Senate be appointed to notify the House that the Senate is ready to adjourn *SINE DIE*.

#### APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1971-EX-117, the President appointed Senators Fleming, Woodall and Dore to serve as a committee of three members to notify the House that the Senate is ready to adjourn *SINE DIE*.

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

#### MESSAGES FROM THE HOUSE

May 10, 1971.

Mr. President: The House failed to adopt the report of the Free Conference Committee on ENGROSSED SENATE JOINT RESOLUTION NO. 22.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 18,  
 SUBSTITUTE SENATE BILL NO. 51,  
 SENATE BILL NO. 52,  
 SENATE BILL NO. 59,  
 SENATE BILL NO. 68,  
 SENATE BILL NO. 82,  
 SUBSTITUTE SENATE BILL NO. 90,  
 SENATE BILL NO. 98,  
 SENATE BILL NO. 108,  
 SENATE BILL NO. 164,  
 SENATE BILL NO. 176,  
 SENATE BILL NO. 185,  
 SENATE BILL NO. 188,  
 SENATE BILL NO. 209,  
 SENATE BILL NO. 214,  
 SUBSTITUTE SENATE BILL NO. 216,  
 SENATE BILL NO. 269,  
 SENATE BILL NO. 273,  
 SENATE BILL NO. 288,  
 SENATE BILL NO. 295,  
 SENATE BILL NO. 298,  
 SENATE BILL NO. 335,  
 SENATE BILL NO. 391,  
 SUBSTITUTE SENATE BILL NO. 401,  
 SENATE BILL NO. 408,  
 SENATE BILL NO. 428,  
 SENATE BILL NO. 449,  
 SENATE BILL NO. 450,  
 SENATE BILL NO. 467,  
 SENATE BILL NO. 485,  
 SENATE BILL NO. 522,  
 SENATE BILL NO. 525,  
 SUBSTITUTE SENATE BILL NO. 542,  
 SENATE BILL NO. 545,  
 SENATE BILL NO. 594,  
 SENATE BILL NO. 605,  
 SENATE BILL NO. 606,  
 SENATE BILL NO. 612,  
 SENATE BILL NO. 658,  
 SUBSTITUTE SENATE BILL NO. 678,  
 SENATE BILL NO. 720,  
 SUBSTITUTE SENATE BILL NO. 796,  
 SENATE BILL NO. 861,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:

SENATE BILL NO. 863,  
 SENATE BILL NO. 865,  
 SUBSTITUTE SENATE BILL NO. 866,  
 SENATE BILL NO. 883,  
 SUBSTITUTE SENATE BILL NO. 897,



SENATE BILL NO. 903,  
 SUBSTITUTE SENATE BILL NO. 915,  
 SUBSTITUTE SENATE BILL NO. 926,  
 SENATE JOINT RESOLUTION NO. 38,  
 SENATE CONCURRENT RESOLUTION NO. 4,  
 SENATE CONCURRENT RESOLUTION NO. 23,  
 SENATE CONCURRENT RESOLUTION NO. 28,  
 SENATE CONCURRENT RESOLUTION NO. 29,  
 SENATE CONCURRENT RESOLUTION NO. 31,  
 SENATE CONCURRENT RESOLUTION NO. 32,  
 SENATE JOINT MEMORIAL NO. 5,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 152 and has passed the bill as amended by the Senate.

MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has signed:  
 HOUSE BILL NO. 56,  
 SUBSTITUTE HOUSE BILL NO. 69,  
 HOUSE BILL NO. 88,  
 SUBSTITUTE HOUSE BILL NO. 151,  
 SUBSTITUTE HOUSE BILL NO. 152,  
 HOUSE BILL NO. 200,  
 SUBSTITUTE HOUSE BILL NO. 214,  
 HOUSE BILL NO. 277,  
 SUBSTITUTE HOUSE BILL NO. 283,  
 HOUSE BILL NO. 291,  
 SUBSTITUTE HOUSE BILL NO. 309,  
 HOUSE BILL NO. 311,  
 HOUSE BILL NO. 313,  
 HOUSE BILL NO. 346,  
 HOUSE BILL NO. 372,  
 HOUSE BILL NO. 411,  
 SUBSTITUTE HOUSE BILL NO. 417,  
 HOUSE BILL NO. 429,  
 HOUSE BILL NO. 464,  
 HOUSE BILL NO. 540,  
 HOUSE BILL NO. 543,  
 SUBSTITUTE HOUSE BILL NO. 553,  
 SUBSTITUTE HOUSE BILL NO. 595,  
 HOUSE BILL NO. 636,  
 HOUSE BILL NO. 684,  
 HOUSE BILL NO. 705,  
 HOUSE BILL NO. 735,  
 HOUSE BILL NO. 739,  
 HOUSE BILL NO. 759,  
 HOUSE BILL NO. 863,  
 HOUSE BILL NO. 865,  
 HOUSE BILL NO. 892,  
 HOUSE BILL NO. 992,  
 HOUSE BILL NO. 1072,  
 HOUSE JOINT RESOLUTION NO. 1,  
 HOUSE JOINT RESOLUTION NO. 21,  
 HOUSE CONCURRENT RESOLUTION NO. 12,  
 HOUSE CONCURRENT RESOLUTION NO. 19,  
 HOUSE CONCURRENT RESOLUTION NO. 35,  
 HOUSE CONCURRENT RESOLUTION NO. 39,  
 HOUSE CONCURRENT RESOLUTION NO. 41,  
 HOUSE CONCURRENT RESOLUTION NO. 42,  
 HOUSE CONCURRENT RESOLUTION NO. 44,

and the same are herewith transmitted. MALCOLM McBEATH, Chief Clerk.

May 10, 1971.

Mr. President: The Speaker has appointed as members of the Committee to notify the Governor that the House is ready to adjourn *SINE DIE*: Representatives Wolf, Julin and Polk.

DONALD R. WILSON, Assistant Chief Clerk.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President appointed, under the provisions of House Concurrent Resolution No. 44,

Senators Atwood, Greive and Guess as the committee of three members from the Senate to notify the Governor that the Senate was about to adjourn *SINE DIE*.

On motion of Senator Atwood, the committee appointments were confirmed.

#### MESSAGE FROM THE HOUSE

May 10, 1971.

Mr. President: The Speaker has signed HOUSE JOINT RESOLUTION NO. 47, and the same is herewith transmitted. MALCOLM McBEATH, Chief Clerk.

#### COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives.

The Committee from the House comprised of Representatives Kopet, Smith and Mentor appeared before the bar of the Senate to notify the Senate that the House was ready to adjourn *SINE DIE*.

The report was received and the committee retired.

#### SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 56,  
 SUBSTITUTE HOUSE BILL NO. 69,  
 HOUSE BILL NO. 88,  
 SUBSTITUTE HOUSE BILL NO. 151,  
 SUBSTITUTE HOUSE BILL NO. 152,  
 HOUSE BILL NO. 200,  
 SUBSTITUTE HOUSE BILL NO. 214,  
 HOUSE BILL NO. 277,  
 SUBSTITUTE HOUSE BILL NO. 283,  
 HOUSE BILL NO. 291,  
 SUBSTITUTE HOUSE BILL NO. 309,  
 HOUSE BILL NO. 311,  
 HOUSE BILL NO. 313,  
 HOUSE BILL NO. 346,  
 HOUSE BILL NO. 372,  
 HOUSE BILL NO. 411,  
 SUBSTITUTE HOUSE BILL NO. 417,  
 HOUSE BILL NO. 429,  
 HOUSE BILL NO. 464,  
 HOUSE BILL NO. 540,  
 HOUSE BILL NO. 543,  
 SUBSTITUTE HOUSE BILL NO. 553,  
 SUBSTITUTE HOUSE BILL NO. 595,  
 HOUSE BILL NO. 636,  
 HOUSE BILL NO. 684,  
 HOUSE BILL NO. 705,  
 HOUSE BILL NO. 735,  
 HOUSE BILL NO. 739,  
 HOUSE BILL NO. 759,  
 HOUSE BILL NO. 863,  
 HOUSE BILL NO. 865,  
 HOUSE BILL NO. 892,  
 HOUSE BILL NO. 992,  
 HOUSE BILL NO. 1072,  
 HOUSE JOINT RESOLUTION NO. 1,  
 HOUSE JOINT RESOLUTION NO. 21,  
 HOUSE CONCURRENT RESOLUTION NO. 12,

HOUSE CONCURRENT RESOLUTION NO. 19,  
 HOUSE CONCURRENT RESOLUTION NO. 35,  
 HOUSE CONCURRENT RESOLUTION NO. 39,  
 HOUSE CONCURRENT RESOLUTION NO. 41,  
 HOUSE CONCURRENT RESOLUTION NO. 42,  
 HOUSE CONCURRENT RESOLUTION NO. 44.

SIGNED BY THE PRESIDENT

The President signed:  
 HOUSE BILL NO. 113,  
 HOUSE BILL NO. 225,  
 HOUSE BILL NO. 451,  
 SUBSTITUTE HOUSE BILL NO. 510,  
 HOUSE BILL NO. 659,  
 HOUSE BILL NO. 672,  
 HOUSE BILL NO. 676,  
 HOUSE BILL NO. 686,  
 HOUSE BILL NO. 743,  
 HOUSE JOINT RESOLUTION NO. 47.

EXPLANATION OF FAILURE TO VOTE ON SENATE BILL NO. 522,  
 AS AMENDED BY THE FREE CONFERENCE COMMITTEE

Due to the fact that I was in a conference committee meeting, I did not have an opportunity to cast my vote against this measure. I had been assured that I would be informed when this measure was going to be brought to the floor. Unfortunately, no one communicated to me that said measure was being voted upon. I had previously expressed my opinion publicly that, while I felt the pension program should be upgraded, I also felt strongly the matter should be debated on the floor of the Senate and that such a measure should not be spirited through the Legislature at the last minute in an effort to avoid debate. Had I been present when this conference report was submitted to the Senate, I would have spoken against it and voted against it.

(Signed) SENATOR MARTIN J. DURKAN

REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee comprised of Senators Fleming, Woodall and Dore 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 comprised of Senators Atwood, Greive and Guess 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 the Governor was willing that the legislature adjourn *SINE DIE*.

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Greive, the Senate Journal of the Sixtieth Day of the Forty-Second Legislature, First Extraordinary Session, was approved.

At 4:06 a.m., on motion of Senator Greive, the Senate of the Forty-Second Legislature, First Extraordinary Session, adjourned *SINE DIE*.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

**GOVERNOR'S MESSAGES ON SENATE BILLS  
VETOED AND PARTIALLY VETOED**

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to one section, SENATE BILL NO. 52, entitled:

"An Act relating to solid waste collection."

This bill pertains to solid waste management.

Section 5 provides that any county or municipality which extends public solid waste collection service to any area already served by a refuse collection company must acquire by purchase or condemnation the operating authority and equipment of the private operator.

I have determined to veto section 5. The provisions of section 5 do not answer such questions as how a total "operating authority" would be valued or condemned, or how, if at all, the operating authority and equipment can be severed, if a municipality desires to serve a portion (either geographical or by class of customer) of an area.

Further, the impact of section 5 on cities and towns on one hand and counties on the other is unclear. Cities and towns presently have full authority to collect garbage and refuse and to contract with a company for that purpose. Outside of cities and towns certificates of public convenience and necessity are issued to operators by the state. These relationships are not made clear since there is no precise meaning to the phrase "extend public solid waste collection", as used in section 5. If section 5 is applied within a city it may well convert a standard contract for garbage service into one with a guaranteed settlement procedure requiring the city to buy equipment it may not need or use along with goodwill, etc., which may be of no value to the city. If section 5 is applied to areas outside of a city then that territory is being served by a bonafide certificate holder and his property may not now be taken from him without just compensation under law.

Consequently, section 5 is unnecessary outside of cities and towns because the parties are protected under law already and there does not appear to be any clear justification for its application within cities and towns.

For these reasons, I have vetoed section 5. The remainder of Senate Bill No. 52 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval, SENATE BILL NO. 68, entitled:

"An Act relating to industrial insurance."

Section 1 of this bill relates to RCW 51.32.090, the present statutory section governing payment of time loss compensation. However, this same statutory section was extensively and more satisfactorily amended by section 11 of Engrossed House Bill No. 735. Therefore, section 1 of Senate Bill No. 68 is unnecessary.

Section 2 which authorizes a program of vocational rehabilitation and retraining and continuation of time loss compensation while undergoing such retraining, is unnecessary since it is virtually identical to section 12 of Engrossed House Bill No. 735, which accomplishes the same purposes.

I have accordingly vetoed Senate Bill No. 68 in its entirety.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to one item, SENATE BILL NO. 108, entitled:

“An Act relating to crimes and punishment.”

Section one of this bill clarifies and makes more equitable the law relating to concurrent and consecutive sentencing when persons are convicted of two or more offenses.

Section 2 of the bill provides that no court shall suspend or defer the sentence of any person having been convicted of selling or attempting to sell narcotic or dangerous drugs for profit. I have determined to veto section 2; however, in so doing, I wish to make very clear that I have no sympathy for those who sell or attempt to sell narcotic or dangerous drugs, nor do I, in any way, mean to infer that the law should not deal strictly with such persons. However, I have had to veto this section for technical reasons. Senate Bill No. 146, the Uniform Controlled Substances Act, which I have signed into law, replaces and repeals the previous laws of this state relating to narcotic or dangerous drugs. The new law does not define narcotic or dangerous drugs but sets up five classifications of controlled substances. There is, as a consequence, no definition to which section 2 of SB 108 can refer. Furthermore, SB 146 does not at any point define sale or attempted sale either for profit or without profit as a crime. Delivery is defined as a criminal violation but sale is not. As a consequence, once again, there is nothing in this aspect to which section 2 of SB 108 can refer. Section 2 is thus technically deficient and would create confusion and ambiguity in the law.

For those reasons, but with the hope that appropriate controls of the problems of drug trafficking and drug abuse will continue to be acted upon by the legislature, as done in SB 146 and SB 273, I have vetoed section 2 of SB 108 and have approved section 1.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to two sections, SECOND SUBSTITUTE SENATE BILL NO. 146 entitled:

“An Act relating to controlled substances.”

I am vetoing section 69.50.510 which pertains to recording of private communications and conversations. While a change in the law of this state with regard to wiretapping and the use of recording devices by law enforcement officers may be necessary, I am of the opinion that such changes must, in the interest of safeguarding the citizens' right to privacy, be taken in the context of comprehensive revision with provisions for proper judicial supervision. The partial revision represented by this section can only delay and frustrate such efforts while opening the door to possible abuse.

I have also vetoed section 69.50.511 which provides for immunity from prosecution

for witnesses when such immunity is necessary in the enforcement of the Controlled Substances Act. Enactment of the new grand jury bill with its immunity provisions and its provision for inquiry judges will insure availability of immunity as a law enforcement tool in combating drug abuse. It would be unwise to jeopardize this tool through possible conflict of two bills dealing with the same subject.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to one item, SENATE BILL NO. 179, entitled:  
"An Act relating to public assistance."

This bill provides for recovery by the Department of Social and Health Services for medical expenses it has paid where a public assistance recipient has been injured by a third party. The act further provides that the department will bear its proportionate share of attorney's fees and costs where an injured party has obtained his own attorney and has recovered from the third party. Court approval of such attorney's fees is required by the act, with the proviso that if the attorney's fees conform to the applicable minimum bar fee schedule, court approval is not necessary.

The Department of Labor and Industries has had similar legislation for some time which has provided for that department bearing its proportionate share of attorney's fees and costs, provided that there is court approval. There has been no exemption from court approval even where there was conformity to the applicable minimum bar fee schedule. Without that exemption the act has proven quite workable, to the public, the bar and the department. There would not appear to be any reason to deviate from the already successful statutory formula which has applied to the Department of Labor and Industries.

It would appear the present law relating to the Department of Social and Health Services should, in the absence of substantial reason for difference, be consistent with the law related to the Department of Labor and Industries. Furthermore, there may well be times when the minimum bar fee schedule may not be appropriate and the court should have the opportunity to review such situations. I have therefore vetoed the item in section one, page two, lines 9 through 11.

The remainder of Senate Bill No. 179 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to a certain item, SENATE BILL NO. 188, entitled:

"An Act relating to the practice of medicine and surgery."

This bill enacts a program of emergency life-saving services and further, in section four provides for immunity from liability for physicians or hospitals rendering emergency services based solely upon failure to obtain consent where the individuals served are unable by reason of age or condition to give consent and when there is no other person reasonably available who is legally authorized to give such consent.

I have vetoed the sentence in section 4 on page 3, lines 17 through 19, which provides

that the state board of health shall adopt rules and regulations defining situations which may be considered emergent for the purposes of this act. Unfortunately, no one, including the state board of health has sufficient foresight to define emergency situations in a manner which would include all emergencies. Having such defined codified regulations might well at times require an additional expenditure of time by the physician or hospital personnel on the scene while they try to assure that the situation falls within rules and regulations. In such circumstances, time is of the essence and the judgment of a qualified and licensed physician and hospital personnel on the scene is the best judgment which must be relied upon. No one would be protected by rules and regulations defining emergencies, and at times someone might well be harmed thereby avoiding the very purpose of this act. The public is well protected from inappropriate judgments by the requirement of "good faith" action and the other limitations in the statute.

Since the opportunity for harm to persons in emergency situations due to delay or misunderstanding would be increased and no off-setting benefit either to the public or the individuals involved would accrue, this item has been vetoed. The remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 19, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to two sections, SENATE BILL NO. 214, entitled:

"An Act relating to alcoholism."

This bill was intended to strengthen alcoholism programs in the state, and to assure local financial participation in such programs. These are purposes with which I agree. Sections one and two are appropriate to the intentions of the bill.

However, sections three and four, because of the manner in which they are drafted, instead of assuring expanded alcoholism programs with local participation, provide a substantial potential for harming the effort against alcoholism by giving cities, towns and counties the ability to prevent an alcoholism control program from being initiated or continued even without city, town or county liquor tax or profit money. These sections essentially give cities, towns or counties a veto power over the initiation or continuation of alcoholism programs. I have therefore vetoed sections three and four with the hope that a statute with language more appropriate will be enacted at the next session.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain items, SENATE BILL NO. 273, entitled:

"An Act relating to narcotic drugs, dangerous drugs, and alcohol."

This bill enacts a comprehensive approach to drug and alcohol education and rehabilitation.

There are certain inconsistencies between the present act and two other acts which passed this legislature: House Bill No. 277 relating to Community Mental Health programs and Senate Bill No. 146, the Uniform Controlled Substances Act relating to dangerous and

narcotic drugs. I have therefore exercised certain vetoes in this act to alleviate any problems of inconsistency.

Senate Bill No. 146, the Uniform Controlled Substances Act repeals chapters 69.33 and 69.40 RCW. Section 2, page 2, lines 12, 13 and 14 of Senate Bill No. 273 has reference to those chapters. Reference to those same chapters are also contained in section 7, page 5, lines 5 and 6 of Senate Bill No. 273. As a consequence I have vetoed the inappropriate words in those sections, recognizing that the Uniform Controlled Substances Act relating to narcotic and dangerous drugs is a new chapter, RCW 69.50, and that the intention of the legislature is that the definitions contained in the new RCW chapter will apply to Senate Bill No. 273.

Section 12 of S.B. 273 was included in the event that H.B. 277 did not pass. Section 2 of H.B. 277 provides for funding of community mental health services as contained in sections 6 and 7 of S.B. 273.

It was understood by the legislators involved that in the event H.B. 277 did pass, section 12 would be vetoed out of S.B. 273. As a consequence, since H.B. 277 did pass, I have vetoed section 12 of S.B. 273 in order to avoid duplication, ambiguity and confusion in the funding mechanism related to community mental health services and drug treatment programs.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval, SENATE BILL NO. 391, entitled:

"An Act relating to boundaries and plats."

A comprehensive platting and subdivision statute was passed by the legislature in 1969. A key provision of that statute requires notice to be published not less than ten days before a public hearing on the proposed plat. The requirement of notice is essential to the effective operation of the platting and subdivision statute and to protect the public.

Without a compelling public interest being shown it would be inappropriate to change the effective date of the notice provision to a date later than the effective date of the act itself. No such compelling public interest has been shown.

If there are individuals who may have been inadvertently harmed by the operations of the notice provision subsequent to the effective date of the act and prior to January 1, 1971, this problem might perhaps be corrected by more narrowly focused legislation rather than the approach taken in Senate Bill No. 391.

I have accordingly vetoed Senate Bill No. 391 in its entirety.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to one section, SENATE BILL NO. 408; entitled:

"An Act relating to public assistance; concerning the committee on vendor's rates."

This bill provides that the governor's committee on vendor rates shall investigate and



consider various items in developing its recommendations for vendor rates to the Department of Social and Health Services.

However, section 6 of the bill purports to define the principal function of the committee, and while that section does define one of the functions of the committee there are other functions which are also of substantial importance, such as content of services purchased, assurance of adequate service delivery, and conformity to appropriate state and federal laws and regulations.

I have therefore vetoed section 6. I have approved the remainder of the bill which is, in any event, the operative portion of the legislation.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be transmitted to the Senate at the next session of the legislature without my approval as to one item, SENATE BILL NO. 428, entitled:

“An Act relating to the public welfare; providing for a litter control act.”

This bill is a comprehensive litter control act. It established new litter control powers in the Department of Ecology, and imposes a tax upon those businesses which produce or sell items relating to the litter problem, in order to finance the administration of the act. However, by reason of the fact that the definition of “person” in section 3(7) includes state and local government, the act would by its terms impose the tax upon the State Liquor Control Board, and possibly upon certain local governmental agencies. I believe this result to be unwarranted, and accordingly have vetoed that item from section 3(7) of the act.

With the exception of the above item, Senate Bill No. 428 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain items and sections, SUBSTITUTE SENATE BILL NO. 441, entitled:

“An Act relating to crimes and criminal procedure; providing for the regulation of outdoor music festivals.”

In three separate sections, the legislature provided for mandatory minimum sentences, actions which are contrary to current trends in the criminal justice field, and which take away discretion from the judiciary, the parole board, and the administrators of our correctional programs. Furthermore, veto of these sections is consistent with the Legislative Council’s proposed comprehensive revision of the State Criminal Code which does not contain mandatory minimum sentences, despite dealing with the most serious types of crimes.

I have vetoed Section 6 of the act which expands the crime of first degree murder to include homicides occurring during commission of, or withdrawal from, the scene of any crime involving incendiary devices or explosives. My reasons for this action arise from my well-known opposition to expansion of applicability of the death penalty. It is unwise automatically to attach such a sanction to acts regardless of surrounding circumstances,

particularly when under present law, murder in the first degree encompasses any homicide resulting from an act imminently dangerous to human life. Also, present law, coupled with provisions in this bill which I have approved will classify as second degree murder, with the possibility of application of the life sentence penalty, the acts contained in this vetoed section.

I have removed from the bill sections which provide for up to a \$5,000 reward for the apprehension, bringing back and securing of any alleged or convicted felon. I have done so in the belief that the specific language in these provisions amounts to enabling legislation for bounty hunters and vigilante action by citizens untrained in the specialized techniques of law enforcement. This could only increase the danger to citizens and law enforcement officials alike.

I have vetoed in its entirety the provision in the act authorizing the police in their discretion to fingerprint and photograph juveniles. Not only may fingerprints and photographs be obtained under present law simply by securing the permission of the juvenile court, but this subject is directly covered in the nearly completed revision of the juvenile code undertaken by a committee of broad representation, including the judicial council, prosecuting attorneys, juvenile court judges, juvenile probation officers, law enforcement officials, Department of Social and Health Services staff, the Attorney General and others. It would be untimely to adopt this single provision when a comprehensive treatment of juvenile court law and the law relating to juvenile offenders will be presented to the 1972 session of the Legislature.

In hope of preserving its constitutionality, I have vetoed portions of Section 16 dealing with demonstrations and picketing in or near courthouses. Legislation regulating conduct in the areas of thought or expression must stay within the bounds of our basic constitutional framework. As revised by veto action, the bill now punishes acts which amount to obstruction of or interference with the judicial process. Such conduct is not protected under the first amendment and should not go unregulated if we are to preserve for each citizen the orderly processes of government.

The State Patrol and many police chiefs and sheriffs throughout the state have communicated to me their displeasure with Section 17, which grants statewide powers to local law enforcement officials for enforcement of drug laws in certain situations. This state has a strong history of combating statewide crime problems through cooperation and coordination which would be seriously weakened by this increase in power to local law enforcement without proper checks or controls when cross-jurisdictional problems occur. Rather than cooperation, this section would inevitably foster conflict among local police agencies. A further problem exists in that the investigation authority under this provision may well be repealed by the Uniform Controlled Substances Act, Senate Bill No. 146.

Included in this bill is an excellent piece of legislation providing for comprehensive regulation of outdoor music festivals which have presented the state with grave law enforcement and health problems in recent years. Inasmuch as music festivals have presented problems to local governmental units which are beyond their ability to respond, and to assure a consistent, planned, statewide approach, the state must assume a necessarily pre-emptive regulatory role. I have therefore vetoed Section 20 of this bill.

I have vetoed those portions of the bill as to outdoor music festivals which set fixed amounts for required bonds and evidence of insurance. I have taken this action to insure flexibility in the state's efforts at control. Fixed amounts may well prove too low for some poorly conceived activities, yet be far too high for relatively well-organized activities.

The veto action taken in Section 32 is technical, to correct an obvious drafting error making it an offense to participate in a music festival regardless of its legality. The section as vetoed now makes it a crime, as I am sure was the legislative intent, to fail to comply with the rules and conditions of the act.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to one item, SENATE BILL NO. 465, entitled:

"An Act relating to pilotage on Puget Sound."

While the apparent purpose of section 3, that of insuring greater environmental protection to the waters of Puget Sound, is commendable, the unfortunate effect of the section is to delete the provision of state law making pilotage compulsory with respect to vessels not specifically exempted by the legislature. If section 3 is enacted into law, certain described vessels will be exempted from all the provisions of the Pilotage Act. All vessels not so exempt will "be subject to rules and regulations promulgated by the Washington Pilotage Commission", but there will be no legislative enactment making pilotage compulsory as to any vessels whatsoever.

While the pilotage commission might, and probably would, adopt rules and regulations requiring that a pilot be engaged for all vessels not specifically exempted by the legislature, there is a serious question as to the constitutionality and thus the enforceability of such a regulation.

The provision in section 3 does require the pilotage commission, immediately after the effective date of the act, to conduct a study relative to the need to require pilots licensed under the provisions of state law on all vessels entering Puget Sound and adjacent waters. I will instruct the chairman of the pilotage commission to make such a study the prime order of business of the commission so a comprehensive report will be available for the next session of the legislature.

Rather than run the risk of seriously weakening the present law relative to pilotage on Puget Sound I am vetoing certain portions of section 3 with the belief that after the submission of the report by the pilotage commission to the next session of the legislature the entire matter will be reviewed and the legislature will be able to determine what, if any, amendments are needed to the pilotage act.

The remainder of Senate Bill No. 465 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval, SUBSTITUTE SENATE BILL NO. 553, entitled:

"An Act relating to the Department of Social and Health Services."

This bill provides for placement of any child adjudicated delinquent in agencies, foster homes or group care facilities by both the Department of Social and Health Services which licenses such facilities or by the juvenile court directly.

This act also mandates the method of rate setting and payment to agencies in which children adjudicated delinquent are placed either by the department or by the juvenile court.

While I am strongly in favor of local and community treatment and rehabilitation of children adjudicated either delinquent or dependent, I must reluctantly veto this entire bill because of the procedures and criteria it contains.

As the bill is written, although the state is required to pay for the children placed, there is no method by which the state can control costs. In addition, the state could well be making double payment in many instances. The state would pay the facility for the services rendered and, since the child is kept in the community thus lowering the county commitment rate, the state would make a probation subsidy payment as well. This is duplicate and inappropriate state financing.

There is a further problem in that as this bill is written, it might well tend to encourage

courts to make findings of delinquency rather than dependency even where inappropriate, since there would be higher rates paid for children adjudicated delinquent than would be the case for children adjudicated dependent. No such irrelevant factor should be permitted to enter into the adjudication of delinquency or dependency which should rest on the particular facts of each individual case.

This bill has the effect of providing that agencies caring for delinquent children will be treated differently from those who are caring for dependent children. There appears to be no reason to treat such agencies differently; indeed, there is clear inequity where similar services result in different payments, a situation might well be out of compliance with federal requirements for equal treatment of vendors.

I have therefore reluctantly vetoed this bill, but would hope that further study of these issues and the proper financing of local community treatment programs will be undertaken, and a statute encouraging such programs and providing appropriate payment will be passed by the legislature and presented for signature.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain items, SENATE BILL NO. 690, entitled:

“An Act relating to metropolitan municipal corporations.”

Senate Bill No. 690 amends the Metropolitan Municipal Corporations Act to establish county-wide metro boundaries, enlarge the metropolitan council and strengthen its capacity to operate an area-wide transportation system.

Section 2 (14) defines “metropolitan public transportation” to exclude the operation of “chartered bus”, “sight-seeing bus” or any other “motor vehicle” not operating on an individual fare-paying basis. This subsection is intended to protect the position of the private charter carriers. However, the subsection appears to go further than was intended since it may have the inadvertent effect, by the terms of the final proviso, of preventing the use of people-moving systems other than those using “motor vehicles”.

In addition, this subsection limits the municipality to providing school bus service for the transportation of the pupils between their homes and schools. Because public education involves the transportation of students in an educational context on a broader basis than merely between homes and school this limitation upon the municipality is not appropriate.

I have accordingly item vetoed these limitations from subsection (14) of section 2.

The remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain items, SENATE BILL NO. 691, entitled:

“An Act relating to revenue and taxation and public transportation.”

This bill permits the voters within the boundaries of a metropolitan municipal corporation to authorize a local sales tax of three-tenths of a percent in lieu of the local household tax in Class AA Counties. It provides the funding mechanism for the financing of

a public transportation system to be operated by a metropolitan municipal corporation. Monies raised at the local level through the imposition of the additional sales tax are matchable, with certain limitations, with state funds.

Section 2 provides that the metro council may submit an authorizing proposition to the voters with respect to the issue of the imposition of the sales tax. There is an ambiguity in the first sentence of section 2 with respect to the reference to ownership of a public transportation system. In order to avoid any uncertainty I have, for clarification purposes, item vetoed that reference.

Section 2 also contains a requirement that the proposition submitted to the voters shall include language stating that such proposition shall be partially financed by the levying of an additional three-tenths of one percent per dollar on sales transactions "within King County". The reference to "King County" creates internal inconsistencies within the bill since the bill pertains to a city within a Class AA County, a Class AA County, or any metropolitan municipal corporation within a Class AA County. Since the tax authorization will, in any event, be included in the ballot proposition the clause is functionally superfluous. Accordingly, this item has been vetoed.

Section 2 contains a proviso that after June 30, 1973, no sales or use tax levied and collected pursuant to this act may be used as qualifying matching funds. The effect of this proviso will be that a Class AA County which approves a sales tax will lose state matching funds after 1973 even though cities in all other counties would continue to be eligible to receive state matching funds for public transportation systems. After careful consideration of this question, I have determined to item veto this proviso. With this matching capability restored, the needed long-term funding support for public transportation within a Class AA County will be provided.

With the exception of the items referred to above, the remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be submitted to the Senate at the next session of the legislature, without my approval of three items, SUBSTITUTE SENATE BILL NO. 849, entitled:

"An Act relating to revenue and taxation of timber and forest lands."

This bill constitutes a comprehensive new program for the taxation of timber and timber lands, by phasing out the taxation of timber under the property tax system and placing timber on an excise tax system based upon yield. The bill also provides that timber lands shall remain under the property tax system, but that the valuation of such lands shall be on the basis of their actual use, i.e., the growing and harvesting of timber.

The act further provides, with respect to the valuation of such lands and the timber thereon that responsibility for making the valuations will be in the Department of Revenue. However, it is also provided that the decisions of the department in carrying out its responsibility under the bill can become effective only upon approval of the forest tax committee established pursuant to section 18 of the bill.

I believe that the full responsibility for the valuation process should be solely with a department of the executive branch of government, and that the functions of the forest tax committee, the majority of which will consist of legislators and representatives of the timber industry, should be limited to those specified in sections 7(10) and 18. Undoubtedly the committee will be in a position to give valuable advice to the department with respect to the valuation process, and I believe that the role of the committee in the valuation process should be limited to that function.

In addition it should be noted that the eligibility of members of the 42nd Legislature

to serve as members of the forest tax committee is open to serious constitutional question without these vetoes; see *Oceanographic Commission v. O'Brien*, 74 Wn.2d 904 (1968).

For these reasons, I have vetoed those items of the bill which give the committee the approval function described above.

With the exception of these three items, Substitute Senate Bill No. 849 is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to a section, SENATE BILL NO. 884 entitled:

“An Act relating to housing authorities.”

The proviso in SB 884, “That the governing body of any class A county east of the Cascade mountains and of any city within such county shall only make such determination after referendum thereon to the people of such city or county, as the case may be.” is narrowly drawn to apply to only one county in the state. Such a limitation to the general requirements of existing statutes relative to housing authorities is inappropriate and contrary to sound public policy. I have therefore vetoed this proviso and approved the remainder of the bill.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain sections, SUBSTITUTE SENATE BILL NO. 897, entitled:

“An Act relating to revenue and taxation.”

Section 19 of this bill is an amendment to RCW 82.32.090, and provides for an increase in the penalty for delinquent state excise taxes from 2% to 5%. The effective date of this section is, in accordance with section 79 of the bill, July 1, 1971.

RCW 82.32.090 was also amended by section 1 of Substitute House Bill No. 461 which I have already signed. Section 1 of Substitute House Bill No. 461 not only increases the penalty from 2% to 5%, but also provides that taxes accrued, though not collected, in the last month of the fiscal year shall be credited to that fiscal year rather than the succeeding fiscal year. Further, the effective date of these provisions is June 1, 1971.

In order to avoid any inconsistency between section 19 of Engrossed Substitute Senate Bill No. 897 and section 1 of Substitute House Bill No. 461 as to effective dates, I have vetoed section 19.

I have also vetoed sections 26 through 31, which establish a 3.6% compensating excise tax upon the use of electrical energy sold at retail by the Bonneville Power Administration to its industrial customers. The purpose of these provisions is an excellent one, in that they compensate for the fact that these sales of electrical energy cannot be made subject to the 3.6% public utility tax imposed upon retail sales of electrical energy by other sellers, such as private power companies, public utility districts, and municipal utility systems.

However, special circumstances require a veto of these provisions at this time. For

these industrial customers of the Bonneville Power Administration will be making contributions in the amount of approximately three million dollars annually as part of the additional costs of keeping in operation the "N" Reactor at Hanford. This will allow continuous operation of the Hanford No. 1 steam generating plant of Washington Public Power Supply System, which is essential for the economic welfare of the state.

In view of this unexpected and heavy burden upon these industrial customers, I feel the additional burden of the proposed compensating tax is unwarranted at this time. However, consideration must certainly be given to imposing this tax at the expiration of the agreements providing for the contributions from these industrial customers, approximately three years hence.

I have also vetoed section 32 and 34, which raise the yield tax applicable to timber on classified reforestation lands under chapter 84.28 RCW from twelve and one-half to twenty-five percent of the timber value. Pursuant to Substitute Senate Bill No. 849, which I have signed today, a study is to be made of the problem of integrating taxation of land and timber now classified under chapter 84.28 RCW into the provisions of Substitute Senate Bill No. 849. I believe that any legislative action with respect to changing the rates of the yield tax under chapter 84.28 RCW should await the results of this study.

With the exception of sections 19, 26 through 32, and 34, the remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 20, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval, SENATE BILL NO. 903, entitled:

"An Act relating to public contracts."

In 1967 the legislature repealed section 1, chapter 34, Laws of 1933, RCW 39.24.010 which provided for a five percent differential in the purchase by governmental agencies of materials, supplies, goods, wares, merchandise or produce grown, produced or manufactured in the State of Washington. The policy adopted by the legislature in 1967 is of economic advantage to the state in selling its goods in other states.

I see no compelling reason to change our present policy as this bill would do. This legislation is unnecessary for the industry involved and would be harmful to the general interests of the people of this state.

I have accordingly vetoed Senate Bill No. 903 in its entirety.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am returning herewith to be transmitted to the Senate at the next session of the legislature, without my approval, SUBSTITUTE SENATE BILL NO. 915, entitled:

"An Act relating to the Washington State Ferry System."

This bill establishes the Puget Sound Ferry Operations Account within the Motor Vehicle Fund. Money in this account would be used to supplement the revenue of the ferry system in meeting the operation and maintenance expenses of the system. The account is funded from the Motor Vehicle Fund. The formula for distribution of these funds is

changed to reduce the percentages allocated to cities and towns, counties and the state in order to make a portion of the fund available for funding of the new ferry account.

I have determined to veto Substitute Senate Bill No. 915. In so doing, it is not my intent to permit an increase in ferry fares. At the present time there is some operating profit in the ferry system and therefore no further subsidy is presently required. Wage contract renewal negotiations will be determined by July of this year so that the amount of subsidy needed, if any, is presently unknown.

If a substantial fiscal problem arises this can be addressed in the 1972 Session without the need for fare increases. Prior to the 1972 Session the comprehensive study of cross-sound transportation financing authorized by the legislature will be completed. This study will address the issue of the level of support required for ferry subsidies and the other interrelated issues of cross-sound transportation.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.

May 21, 1971.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.  
(Through the Secretary of State)

GENTLEMEN:

I am filing herewith to be transmitted to the Senate at the next session of the legislature, without my approval as to certain items, SENATE BILL NO. 926 entitled:

“An Act adopting the supplemental budget; making appropriations for miscellaneous purposes; and declaring an emergency.”

The specific items I have vetoed are as follows:

1. Department of Social and Health Services

On page 8, beginning on line 27, I have vetoed the following language: “For the Division of Health: PROVIDED, That this appropriation, or so much as will be necessary, will be utilized for the operation of Firland Sanatorium from January 1, 1972 for the remainder of the biennium.”

This appropriation is necessary to provide interim financing until the revenue provided for in the passage of HB 313 becomes available to operate the Sanatorium. The effect of removing this language is to enable the Department to utilize a portion of these funds for interim financing of Firland and to fund other mandatory legislation for which an appropriation was not provided in the rush of passing a supplemental budget in the last moments of the session. Any remaining balance will be placed in unallotted status and reverted at the end of the biennium.

2. State Treasurer—State Revenue for Distribution

On page 9, beginning on line 14, I have vetoed the following language: “not to exceed 15% of revenues.” This language is inconsistent with SB 156 which requires the Treasurer to distribute 25% of the snowmobile registration fees to county treasurers. I believe the intent of the substantive legislation should be followed, rather than the erroneous provision in a hastily considered supplemental appropriations bill.

3. Interim Committee on Water Resources

On page 10, on lines 32 and 33, I have vetoed the appropriation to the Interim Committee on Water Resources. I have been advised by the Speaker of the House and other legislators that such an interim committee was not appointed.

With the exception of the items described above, the remainder of the bill is approved.

Respectfully submitted,  
DANIEL J. EVANS  
Governor.



## GOVERNOR'S MESSAGES ON BILLS SIGNED AFTER ADJOURNMENT

Office of the Governor, May 11, 1971.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to advise that on May 10, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 277: Providing for the holding of sessions of the superior courts in places other than the county seat of a county.

SENATE BILL NO. 579: Allowing cities, towns, and counties to expend funds on tourist promotion.

SENATE BILL NO. 635: Relating to advertising.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel  
to the Governor.

Office of the Governor, May 18, 1971.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to advise that on May 17, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 71: Enacting the Model Escheat of Postal Savings System Accounts Act.

SENATE BILL NO. 91: Providing that service of process under the automobile long-arm statute shall be by return receipt requested registered mail to the last known address.

SENATE BILL NO. 262: Implementing law relating to that tax on cigarettes, the proceeds from which go into the school building bond redemption fund.

SENATE BILL NO. 291: Amending state highway route descriptions.

SENATE BILL NO. 626: Relating to disposition of depository interest paid to the state.

SENATE BILL NO. 648: Creating the legal services revolving fund in the state treasury.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel  
to the Governor.

Office of the Governor, May 19, 1971.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to advise that on May 18, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 153: Providing credit for time served for imprisonment.

SENATE BILL NO. 257: Providing certain changes in the advisory committee on vendor rates and in its powers and duties.

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel  
to the Governor.

Office of the Governor, May 20, 1971.  
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.

GENTLEMEN:

I have the honor to advise that on May 19, Governor Evans approved the following Senate Bills, entitled:

SUBSTITUTE SENATE BILL NO. 85: Establishing rules for assumption of indebtedness by cities and towns.

SUBSTITUTE SENATE BILL NO. 90: Providing for the preservation of legislative records.

SENATE BILL NO. 124: Abolishing the state patrol highway account.

SENATE BILL NO. 136: Regulating the use of blue lights on emergency vehicles.

SUBSTITUTE SENATE BILL NO. 139: Providing for county planning of sewer and water facilities.

SENATE BILL NO. 164: Providing for the undergrounding of utility wiring.  
 SENATE BILL NO. 168: Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available.  
 SENATE BILL NO. 183: Requiring a claim for mechanics' and materialmen's liens to contain the address of claimant.  
 SENATE BILL NO. 269: Pertaining to fire district levies.  
 SENATE BILL NO. 335: Prohibiting the commercial taking of crawfish.  
 SENATE BILL NO. 369: Modifying warning equipment requirements for certain motor vehicles.  
 SUBSTITUTE SENATE BILL NO. 446: Regulating custom meat facilities.  
 SENATE BILL NO. 449: Providing for appeals procedures to the court of appeals.  
 SENATE BILL NO. 454: Requiring that all prescription medicine be labeled by name and dosage.  
 SENATE BILL NO. 525: Providing for the adoption of federal regulations concerning meat and poultry inspection.  
 SENATE BILL NO. 531: Providing for publication and sale of state common school code.  
 SENATE BILL NO. 545: Establishing the state environmental policy.  
 SENATE BILL NO. 605: Providing for the licensing and regulation of hulk haulers.  
 SENATE BILL NO. 606: Providing for the removal of abandoned junk motor vehicles.  
 SENATE BILL NO. 612: Removing the prohibition against the sale of intoxicating liquors on election days.  
 SENATE BILL NO. 629: Providing for the emergency protection and restoration of highways.  
 SENATE BILL NO. 658: Providing that manufacturers of retail goods be identified.  
 SENATE BILL NO. 720: Authorizing special license plates for vehicles of historic value.  
 SENATE BILL NO. 735: Pertaining to junkyards adjacent to highways.  
 SENATE BILL NO. 858: Providing for additions to Seaquest State Park by exchange of public land.  
 SENATE BILL NO. 861: Pertaining to the authority to employ, appoint, discipline or discharge employees of the department of highways.  
 SENATE BILL NO. 862: Implementing law relating to issuance of state warrants.  
 SENATE BILL NO. 863: Pertaining to local improvement districts.  
 SENATE BILL NO. 865: Including legislative authority of charter county in definition of county commissioners.  
 SUBSTITUTE SENATE BILL NO. 866: Setting financial responsibility standards for residents of state residential schools.  
 SENATE BILL NO. 883: Providing for payment of weed district assessments on highway lands from motor vehicle fund.

Sincerely,  
 CHARLES B. WIGGINS  
 Legislative Counsel  
 to the Governor.

Office of the Governor, May 25, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 21, Governor Evans approved the following Senate Bills, entitled:  
 SENATE BILL NO. 17: Creating the Washington Life Insurance Guaranty Association.  
 SENATE BILL NO. 18: Creating the Washington Insurance Guaranty Association.  
 SENATE BILL NO. 51: Providing for changes in certain licensing regulations.  
 SENATE BILL NO. 59: Establishing a judicial retirement system.  
 SENATE BILL NO. 98: Setting out guidelines for pupil conduct, discipline and rights in the common schools.  
 SENATE BILL NO. 144: Providing for the segregation of taxes when property is acquired by a governmental unit.  
 SENATE BILL NO. 298: Requiring certain insurance coverage for employees of school districts and institutions of higher learning.  
 SUBSTITUTE SENATE BILL NO. 354: Establishing minimum medical and health standards for law enforcement officers and firefighters.  
 SENATE BILL NO. 368: Integrating retirement plan laws for state universities and state colleges.  
 SENATE BILL NO. 373: Providing for bidding on certain public works of state institutions of higher education and port districts.  
 SENATE BILL NO. 467: Directing blood analysis of drivers and pedestrians killed in traffic accidents.  
 SENATE BILL NO. 472: Providing for industrial insurance premium system that encourages accident prevention progress.  
 SENATE BILL NO. 486: Providing legislation to promote the public welfare in regard to the public highways of this state.

SENATE BILL NO. 522: Providing for transfer of certain funds to the Washington public employees' retirement system.

SUBSTITUTE SENATE BILL NO. 542: Providing that sewer districts may include within their boundaries parts of more than one county.

SENATE BILL NO. 559: Implementing duties of legislative budget committee.

SENATE BILL NO. 567: Providing partial state support for the Puget Island Ferry.

SENATE BILL NO. 594: Defining "resident" and "non-resident" for college and university purposes.

SENATE BILL NO. 619: Relating to employee's records.

SENATE BILL NO. 659: Providing that governmental agencies may elect a tax deferred annuity plan for employees.

SENATE BILL NO. 710: Authorizing restrictions on the discharge of an employee of a fire district because of his residence outside the district limits.

Sincerely,  
RICHARD HEMSTAD  
Legal Assistant  
to the Governor.

Office of the Governor, May 20, 1971.

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

GENTLEMEN:

I have the honor to advise that on May 20, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 42: Regulating the burning of waste forest products and other materials.

SENATE BILL NO. 82: Authorizing conveyance of certain tidelands in King County to state board for community college education.

SUBSTITUTE SENATE BILL NO. 109: Providing for a state school building system.

SENATE BILL NO. 170: Providing for licensing of hotels and motels.

SENATE BILL NO. 176: Allowing municipal officers to contract with that municipality for up to thirty-six hundred dollars of business annually.

SENATE BILL NO. 185: Allowing sale of property by governmental units.

SENATE BILL NO. 209: Providing axle loads for garbage and refuse collection trucks.

SUBSTITUTE SENATE BILL NO. 216: Providing for the registration of escrow agents.

SENATE BILL NO. 231: Expanding duties of dental hygienists.

SENATE BILL NO. 233: Relating to the practice of dentistry.

SENATE BILL NO. 288: Authorizing parks and recreation commission to call for new and higher bids in disposing of land not needed for park purposes.

SENATE BILL NO. 295: Authorizing board of health to set expiration dates for boarding homes, nursing homes, hospitals and private establishments.

SENATE BILL NO. 314: Providing for multiple land use of state-owned lands.

SUBSTITUTE SENATE BILL NO. 401: Allowing larger vehicles to use public highways.

SENATE BILL NO. 450: Providing penalties for violation of the conditions of an additional gross load special permit.

SENATE BILL NO. 485: Enacting an open public meetings act.

SENATE BILL NO. 512: Setting out salaries of county officials.

SUBSTITUTE SENATE BILL NO. 678: Amending the optional municipal code.

SENATE BILL NO. 690: Pertaining to metropolitan municipal corporations.

SENATE BILL NO. 755: Enacting the "Franchise Investment Protection Act".

SUBSTITUTE SENATE BILL NO. 770: Establishing uniform relocation program for eminent domain takings.

SUBSTITUTE SENATE BILL NO. 796: Enacting a "Collection Agency Act".

Sincerely,  
CHARLES B. WIGGINS  
Legislative Counsel  
to the Governor.

**1971 SENATE ROSTER**  
**FORTY-SECOND LEGISLATURE**

JOHN A. CHERBERG, President

SIDNEY R. SNYDER, Secretary

AL HENRY, President Pro Tempore

JAMES E. KEEFE, Vice President Pro Tempore

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Andersen, James A.....	48	King, Snohomish, part	3008 98th N.E., Bellevue 98004	46	Washington	R	Attorney	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.
Atwood, R. Frank.....	42	Whatcom	220 Bellingham Nat'l Bk. Bldg., Bellingham 98225	44	Massachusetts	R	Attorney	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71-Ex.
Bailey, Robert C.....	19	Pacific, Grays Harbor, part	Box 146, South Bend 98586	52	Washington	D	Printer	S—1957-59-59 Ex.-61-61 Ex.-63- 63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex. H—1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.
Canfield, Damon R.....	8	Yakima-Benton, part	1368 Upland Dr., Sunnyside 98944	73	Arkansas	R	Educator, Fruit and Cattle Rancher, Retired	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1953-53 Ex.-55-55 Ex.-57-59- 59 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.
Clarke, George W.....	41	King, part	3835 W. Mercer Way, Mercer Island 98040	64	Iowa	R	Attorney	S—Appointed 1/8/71-71 Ex. H—1967-67 Ex.-70 Ex.
Connor, Frank T.....	33	King, part	3201 S. Massachusetts, Seattle 98144	54	Washington	D	Real Estate	S—Appointed 1/24/57 1957-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.
Cooney, John L.....	5	Spokane, part	N. 4403 Adams St., Spokane 99205	55	Oregon	D	Attorney	S—1957-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex. H—1951-51 Ex.-51 2nd Ex.-55- 55 Ex.

**SENATE ROSTER, FORTY-SECOND SESSION, 1971—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Day, William S.....	4	Spokane, part	E. 2721 Sprague, Spokane 99202	49	Illinois	D	Chiropractor	S—1969-69 Ex.-70 Ex.-71-71 Ex. H—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Donohue, Hubert F.....	11	Asotin-Columbia- Garfield-Walla Walla	Rt. 2, Box 13, Dayton 99328	49	Washington	D	Farmer	S—1969-69 Ex.-70 Ex.-71-71 Ex.
Dore, Fred H.....	37	King, part	1424 Washington Bldg., Seattle 98101	45	Washington	D	Attorney	S—Appointed 3/11/59 1959 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1953-53 Ex.-55-55 Ex.-57-59
Durkan, Martin J.....	47	King, part	404 Olympic Nat'l Life Bldg., Seattle 98104	46	Montana	D	Attorney	S—1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex. H—1957
Elicker, Charles W.....	10	Island-Kitsap, part	344 Wyatt Way, Winslow 98110	45	Pennsylvania	R	Attorney, Sanitarium Operator	S—1969-69 Ex.-70 Ex.-71-71 Ex. H—1967-67 Ex.
Fleming, George .....	37	King, part	1612 Grand Ave., Seattle 98122	32	Texas	D	Communications Consultant	S—1971-71 Ex. H—1970 Ex.
Foley, Frank W.....	49	Clark, part	2924 Wauna Vista Drive, Vancouver 98661	57	Washington	D	Attorney	S—1967-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.
Francis, Peter D.....	32	King, part	7300 E. Green Lake Dr. N., Seattle 98115	36	Washington	D	Attorney	S—Appointed 12/1/69-1970 Ex.-71-71 Ex. H—1969-69 Ex.
Gardner, Booth .....	26	Pierce, part	520 N. Stadium Way, Tacoma 98403	34	Washington	D	Dir. School of Busi- ness Admin. & Econ., UPS	S—1971-71 Ex.
Gissberg, William A....	39	Snohomish, part	10928 Maple Lane, Lake Stevens 98258	48	Washington	D	Attorney	S—1953-53 Ex.-55-55 Ex.-57-59- 59 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.

SENATE ROSTER, FORTY-SECOND SESSION, 1971—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Greive, R. R. Bob.....	34	King, part	4444 California Ave., S.W., Seattle 98116	51	Washington	D	Attorney	S—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.
Guess, Sam C.....	6	Spokane, part	W. 408-33rd Ave., Spokane 99203	61	Mississippi	R	Civil Engineer	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.
Henry, Al .....	17	Klickitat-Skamania- Clark, part	Rio Vista, White Salmon 98672	59	Kansas	D	Telephone Executive	S—1957-59-59 Ex.-61-61 Ex.-63- 63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex. H—1941-45-51-51 Ex.-51 2nd Ex.-55-55 Ex.
Herr, Gordon .....	31	King, part	1818 Westlake, N., Suite 112, Seattle 98109	44	Washington	D	Real Estate	S—Appointed 1/20/64 1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1963-63 Ex.
Holman, Francis E.....	1	King, part	12th Floor, Denny Bldg., Seattle 98121	55	Utah	R	Attorney	S—1969-69 Ex.-70 Ex.-71-71 Ex. H—1967-67 Ex.
Huntley, Elmer C.....	9	Adams-Lincoln- Whitman	Thornton 99176	55	Washington	R	Farmer	S—Appointed 4/24/67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex. H—1957-59-59 Ex.-61-61 Ex.- 63-63 Ex.-65-65 Ex.
Jolly, Dan .....	6	Franklin	Box 185, Connell 99326	62	Washington	D	Farmer	S—Appointed 1/1/71-71 Ex. H—1963-63 Ex.-65-65 Ex. 67-67 Ex.-69-69 Ex.-70 Ex.
Keefe, James Edward...	3	Spokane, part	412 W. Glass, Spokane 99205	62	New York	D	Sales Manager	S—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57- 59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.
Knoblauch, Reuben A...	25	Pierce, part	P.O. Box 306, Sumner 98390	55	Washington	D	Right-of-Way Agent	S—1953-53 Ex.-55-55 Ex.-57-59- 59 Ex.-61-61 Ex.-63-63 Ex.- 65-65 Ex.-67-67 Ex.-69-69 Ex. 70 Ex.-71-71 Ex. H—1947-49-50 Ex.-51-51 Ex.-51 2nd Ex.

**SENATE ROSTER, FORTY-SECOND SESSION, 1971—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Lewis, Harry B.....	22	Thurston	2019 Clairmont Circle, Olympia 98501	42	Pennsylvania	R	Manufacturing	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1961-61 Ex.-63-63 Ex.
McCutcheon, John T.... Deceased 8/9/71	29	Pierce, part	P.O. Box 387, Steila- coom 98388	78	Washington	D	Attorney	S—1943-44 Ex.-45-47-49-59-59 Ex.-61-61 Ex.-63-63 Ex.-65- 65 Ex.-67-67 Ex.-69-69 Ex.- 70 Ex.-71-71 Ex. H—1941
McDougall, Bob .....	12	Chelan-Douglas	No. 2 Horan Road, Wenatchee 98801	46	Washington	R	Fruit Grower, Packing, Storing	S—1969-69 Ex.-70 Ex.-71-71 Ex. H—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Mardesich, August P....	38	Snohomish, part	4712 Mermont Dr., Everett 98201	50	California	D	Attorney, Commer- cial Fisherman	S—1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex. H—1950 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57- 59-59 Ex.-61-61 Ex.
Matson, Jim .....	14	Yakima, part	Rt. 2, Box 730, Selah 98942	42	Washington	R	Fruit Grower, Shipper	S—1969-69 Ex.-70 Ex.-71-71 Ex.
Metcalf, Jack .....	21	Snohomish, part	7421-46th W., Mukilteo 98275	42	Washington	R	Teacher	S—1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1961-61 Ex.-63-63 Ex.
Murray, John S.....	36	King	8 W. Roy St., Seattle 98119	44	Missouri	R	Publisher	S—1971-71 Ex. H—1967-67 Ex.-69-69 Ex.- 70 Ex.
Newschwander, Charles E. ....	28	Pierce, part	2140 Bridgeport Way, Tacoma 98466	49	Washington	R	Dentist	S—1969-69 Ex.-70 Ex.-71-71 Ex. H—1961-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.
Odegaard, Gary M.....	20	Lewis-Grays Harbor, part	Star Rt. 1, Box 1-A, Onalaska 98570	30	Washington	D	Teacher	S—1969-69 Ex.-70 Ex.-71-71 Ex.
Peterson, Lowell .....	40	San Juan-Skagit	Box 249, Concrete 98237	48	Washington	D	Oil Distributor	S—1965-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.
Peterson, Ted G.....	44	King, part	2345 N.W. Blue Ridge Dr., Seattle 98177	66	Washington	R	President, Peterson Supply & Equip- ment Co.	S—1955-55 Ex.-57-63-63 Ex.-65- 65 Ex.-67-67 Ex.-69-69 Ex.- 70 Ex.-71-71 Ex.

SENATE ROSTER, FORTY-SECOND SESSION, 1971—Continued

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Ridder, Robert C. (Bob)	35	King, part	5809 S. Roxbury, Seattle 98118	48	Washington	D	Elementary School Vice Principal	S —1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.
Sandison, Gordon	24	Clallam-Jefferson- Mason	P.O. Box 967, Port Angeles 98362	51	Washington	D	Insurance	S —1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69- 69 Ex.-70 Ex.-71-71 Ex. H—1949-50 Ex.-51-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57
Scott, George W.	46	King, part	2630 N.E. 105th Pl., Seattle 98125	32	Washington	R	Educator	S —1971-71 Ex. H—1969-69 Ex.-70 Ex.
Stender, John H.	30	King, part	19039 Pacific Highway So., Seattle 98188	58	Montana	R	Int'l Vice Pres. Int'l Boilermakers	S —1963-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71- 71 Ex.
Stortini, Joe	27	Pierce, part	1623 Firlands Dr., Tacoma 98405	38	Washington	D	Teacher-Coach	S —1969-69 Ex.-70 Ex.-71-71 Ex.
Talley, Don L.	18	Cowlitz-Wahkiakum	1583 Mt. Pleasant Rd., Kelso 98626	50	Washington	D	Safety Supervisor	S —1957-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.- 69-69 Ex.-70 Ex.-71-71 Ex.
Twigg, Robert W.	7	Spokane, part	817 Northtown Bldg. Spokane 99207	44	Washington	R	Attorney	S —1967-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.
Walgren, Gordon L.	23	Kitsap, part	5538 Erland Pt. Road, Bremerton 98310	36	Washington	D	Attorney	S —1969-69 Ex.-70 Ex.-71-71 Ex. H—1967-67 Ex.
Washington, Nat W.	13	Grant-Kittitas	42 C St. N.W., Ephrata 98823	55	Washington	D	Attorney	S —1951-51 Ex.-51 2nd Ex.-53-53 Ex.-55-55 Ex.-57-59-59 Ex.- 61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1949-50 Ex.
Whetzel, Jonathan	43	King	1511 E. Olin Place, Seattle 98102	44	Pennsylvania	R	Vice Pres. KING Broadcasting Co.	S —1971-71 Ex. H—1965-65 Ex.-67-67 Ex.-69- 69 Ex.-70 Ex.



**SENATE ROSTER, FORTY-SECOND SESSION, 1971—Continued**

NAME OF MEMBER	District	County	Mailing Address	Age	Birthplace	Politics	Occupation	Legislative Sessions Served
Wilson, Bruce A.....	2	Ferry-Okanogan-Stevens-Pend Oreille	P.O. Box 553, Omak 98841	49	Illinois	D	Weekly Newspaper Publisher	S —1969-69 Ex.-70 Ex.-71-71 Ex.
Woodall, Perry B.....	15	Yakima, part	P.O. Box 507, Toppenish 98948	57	Washington	R	Attorney	S —Appointed 12/26/56 1957-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex. H—1939-41-43-47-49-50 Ex.-51-51 Ex.-51 2nd Ex.
Lieutenant Governor Cherberg, John A.....		President of the Senate	505 Howe St., Seattle 98109	60	Florida	D	Lieutenant Governor	S —Elected 1957 1959-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70 Ex.-71-71 Ex.
Snyder, Sidney R.....		Secretary of the Senate	P.O. Box 531, Long Beach 98631	44	Washington	D	Owner, Operator Super Market	S —Elected 5/12/69 1970 Ex.-71-71 Ex. H—Served as Asst. Chief Clerk, •1949-51-51 Ex.-51 2nd Ex- 57-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.
Johnson, Charles L. R..		Sergeant at Arms	624 Carlyon, Olympia 98501	59	Washington	D	Merchant	S —Elected 1957-59-59 Ex.-61-61 Ex.-63-63 Ex.-65-65 Ex.-67-67 Ex.-69-69 Ex.-70-Ex.-71-71 Ex. H—House Member 1951 Served as Sergeant at Arms 1955

## STANDING COMMITTEES OF THE SENATE—1971 SESSION

JOHN A. CHERBERG, President  
 AL HENRY, President Pro Tempore  
 JAMES E. KEEFE, Vice President Pro Tempore  
 SIDNEY R. SNYDER, Secretary

AGRICULTURE AND HORTICULTURE (9)—JOLLY, CHAIRMAN; Canfield, Day, Donohue, Huntley, Knoblauch, McDougall, Matson, Wilson.

CITIES, TOWNS AND COUNTIES (16)—CONNOR, CHAIRMAN; STORTINI, VICE CHAIRMAN; Canfield, Clarke, Dore, Elicker, Fleming, Herr, McDougall, Mardesich, Peterson (Ted), Ridder, Talley, Walgren, Whetzel, Wilson.

COMMERCE AND REGULATORY AGENCIES (20)—MARDESICH, CHAIRMAN; Andersen, Clarke, Cooney, Day, Dore, Fleming, Foley, Gardner, Gissberg, Huntley, Keefe, Knoblauch, McDougall, Newschwander, Peterson (Lowell), Stortini, Twigg, Walgren, Whetzel.

CONSTITUTION, ELECTIONS AND LEGISLATIVE PROCESSES (15)—McCUTCHEON, CHAIRMAN; WILSON, VICE CHAIRMAN; Canfield, Cooney, Donohue, Dore, Greive, Holman, Keefe, Mardesich, Matson, Metcalf, Stender, Woodall, Washington.

EDUCATION (12)—FRANCIS, CHAIRMAN; Fleming, Gardner, McCutcheon, Metcalf, Murray, Newschwander, Odegaard, Peterson (Ted), Ridder, Stender, Washington.

HIGHER EDUCATION AND LIBRARIES (15)—SANDISON, CHAIRMAN; Atwood, Dore, Durkan, Foley, Francis, Gardner, Guess, Henry, Holman, Huntley, Lewis, Metcalf, Scott, Wilson.

JUDICIARY (13)—GISSBERG, CHAIRMAN; DORE, VICE CHAIRMAN; Andersen, Atwood, Clarke, Durkan, Foley, Francis, Greive, Holman, Twigg, Walgren, Woodall.

LABOR AND INDUSTRIAL INSURANCE (7)—STORTINI, CHAIRMAN; Bailey, Connor, McDougall, Matson, Ridder, Stender.

MANUFACTURING AND INDUSTRIAL DEVELOPMENT (7)—GARDNER, CHAIRMAN; Connor, Henry, Murray, Twigg, Washington, Whetzel.

MEDICINE, DENTISTRY AND HEALTH CARE, AIR AND WATER POLLUTION (11)—DAY, CHAIRMAN; Cooney, Elicker, Francis, Greive, Holman, Keefe, McCutcheon, Newschwander, Odegaard, Woodall.

NATURAL RESOURCES, FISHERIES AND GAME (10)—PETERSON (LOWELL), CHAIRMAN; Bailey, Clarke, Donohue, Gissberg, Matson, Metcalf, Peterson (Ted), Sandison, Talley.

PARKS, TOURISM, CAPITOL GROUNDS AND VETERANS' AFFAIRS (11)—WILSON, CHAIRMAN; Canfield, Durkan, Henry, Jolly, Lewis, McCutcheon, Mardesich, Murray, Scott, Whetzel.

PUBLIC INSTITUTIONS (9)—ODEGAARD, CHAIRMAN; Clarke, Guess, Knoblauch, Sandison, Scott, Stortini, Talley, Twigg.

PUBLIC PENSIONS AND SOCIAL SECURITY (7)—FLEMING, CHAIRMAN; Clarke, Day, Herr, Holman, Murray, Odegaard.

RULES AND JOINT RULES (17)—LT. GOV. CHERBERG, CHAIRMAN; Andersen, Atwood, Bailey, Cooney, Foley, Greive, Guess, Henry, Herr, Keefe, Knoblauch, Peterson (Ted), Ridder, Stender, Talley, Woodall.

STATE GOVERNMENT (11)—WALGREN, CHAIRMAN; Atwood, Day, Elicker, Gardner, Gissberg, Henry, Jolly, Lewis, McCutcheon, Newschwander.

TRANSPORTATION (26)—WASHINGTON, CHAIRMAN; HENRY, VICE CHAIRMAN; Bailey, Connor, Donohue, Durkan, Elicker, Foley, Guess, Herr, Huntley, Jolly, Keefe, Knoblauch, Lewis, McDougall, Mardesich, Matson, Murray, Peterson (Lowell), Sandison, Scott, Stender, Talley, Walgren, Whetzel.

WAYS AND MEANS (38)—DURKAN, CHAIRMAN; APPROPRIATIONS—DORE, CHAIRMAN; Andersen, Atwood, Bailey, Canfield, Fleming, Foley, Francis, Huntley, Lewis, Newschwander, Odegaard, Peterson (Lowell), Peterson (Ted), Ridder, Sandison,

Scott, Stortini, Talley, Walgren, Wilson. REVENUE AND TAXATION—DONOHUE, CHAIRMAN; Connor, Cooney, Day, Elicker, Gissberg, Greive, Guess, Herr, Holman, Jolly, Mardesich, Metcalf, Twigg, Washington, Woodall.

**SENATE INDIVIDUAL COMMITTEE ASSIGNMENTS  
1971 SESSION**

- ANDERSEN (James A.)**—Commerce and Regulatory Agencies; Judiciary; Rules and Joint Rules; Ways and Means (Appropriations).
- ATWOOD (R. Frank)**—Higher Education and Libraries; Judiciary; Rules and Joint Rules; State Government; Ways and Means (Appropriations).
- BAILEY (Robert C.)**—Labor and Industrial Insurance; Natural Resources, Fisheries and Game; Rules and Joint Rules; Transportation; Ways and Means (Appropriations).
- CANFIELD (Damon R.)**—Agriculture and Horticulture; Cities, Towns and Counties; Constitution, Elections and Legislative Processes; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Ways and Means (Appropriations).
- CLARKE (George W.)**—Cities, Towns and Counties; Commerce and Regulatory Agencies; Judiciary; Natural Resources, Fisheries and Game; Public Institutions; Public Pensions and Social Security.
- CONNOR (Frank T.)**—**Chairman:** Cities, Towns and Counties; Labor and Industrial Insurance; Manufacturing and Industrial Development; Transportation; Ways and Means (Revenue and Taxation).
- COONEY (John L.)**—Commerce and Regulatory Agencies; Constitution, Elections and Legislative Processes; Medicine, Dentistry and Health Care, Air and Water Pollution; Rules and Joint Rules; Ways and Means (Revenue and Taxation).
- DAY (William S.)**—**Chairman:** Medicine, Dentistry and Health Care, Air and Water Pollution; Agriculture and Horticulture; Commerce and Regulatory Agencies; Public Pensions and Social Security; State Government; Ways and Means (Revenue and Taxation).
- DONOHUE (Hubert F.)**—**Chairman:** Revenue and Taxation; Agriculture and Horticulture; Constitution, Elections and Legislative Processes; Natural Resources, Fisheries and Game; Transportation.
- DORE (Fred H.)**—**Chairman:** Appropriations; **Vice Chairman:** Judiciary; Cities, Towns and Counties; Commerce and Regulatory Agencies; Higher Education and Libraries.
- DURKAN (Martin J.)**—**Chairman:** Ways and Means; Higher Education and Libraries; Judiciary; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Transportation.
- ELICKER (Charles W.)**—Cities, Towns and Counties; Medicine, Dentistry and Health Care, Air and Water Pollution; State Government; Transportation; Ways and Means (Revenue and Taxation).
- FLEMING (George)**—**Chairman:** Public Pensions and Social Security; Cities, Towns and Counties; Commerce and Regulatory Agencies; Education; Ways and Means (Appropriations).
- FOLEY (Frank W.)**—Commerce and Regulatory Agencies; Higher Education and Libraries; Judiciary; Rules and Joint Rules; Transportation; Ways and Means (Appropriations).
- FRANCIS (Peter D.)**—**Chairman:** Education; Higher Education and Libraries; Judiciary; Medicine, Dentistry and Health Care, Air and Water Pollution; Ways and Means (Appropriations).
- GARDNER (Booth)**—**Chairman:** Manufacturing and Industrial Development; Commerce and Regulatory Agencies; Education; Higher Education and Libraries; State Government.
- GISSBERG (William A.)**—**Chairman:** Judiciary; Commerce and Regulatory Agencies; Natural Resources, Fisheries and Game; State Government; Ways and Means (Revenue and Taxation).
- GREIVE (R. R. Bob)**—Constitution, Elections and Legislative Processes; Judiciary; Medicine, Dentistry and Health Care, Air and Water Pollution; Rules and Joint Rules; Ways and Means (Revenue and Taxation).
- GUESS (Sam C.)**—Higher Education and Libraries; Public Institutions; Rules and Joint Rules; Transportation; Ways and Means (Revenue and Taxation).
- HENRY (Al)**—**Vice Chairman:** Transportation; Higher Education and Libraries; Manufacturing and Industrial Development; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Rules and Joint Rules; State Government.

- HERR (Gordon)**—Cities, Towns and Counties; Public Pensions and Social Security; Rules and Joint Rules; Transportation; Ways and Means (Revenue and Taxation).
- HOLMAN (Francis E.)**—Constitution, Elections and Legislative Processes; Higher Education and Libraries; Judiciary; Medicine, Dentistry and Health Care, Air and Water Pollution; Public Pensions and Social Security; Ways and Means (Revenue and Taxation).
- HUNTLEY (Elmer C.)**—Agriculture and Horticulture; Commerce and Regulatory Agencies; Higher Education and Libraries; Transportation; Ways and Means (Appropriations).
- JOLLY (Dan)**—**Chairman:** Agriculture and Horticulture; Parks, Tourism, Capitol Grounds and Veterans' Affairs; State Government; Transportation; Ways and Means (Revenue and Taxation).
- KEEFE (James Edward)**—Commerce and Regulatory Agencies; Constitution, Elections and Legislative Processes; Medicine, Dentistry and Health Care, Air and Water Pollution; Rules and Joint Rules; Transportation.
- KNOBLAUCH (Reuben A.)**—Agriculture and Horticulture; Commerce and Regulatory Agencies; Public Institutions; Rules and Joint Rules; Transportation.
- LEWIS (Harry B.)**—Higher Education and Libraries; Parks, Tourism, Capitol Grounds and Veterans' Affairs; State Government; Transportation; Ways and Means (Appropriations).
- McCUTCHEON (John T.)**—**Chairman:** Constitution, Elections and Legislative Processes; Education; Medicine, Dentistry and Health Care, Air and Water Pollution; Parks, Tourism, Capitol Grounds and Veterans' Affairs; State Government.
- McDOUGALL (Bob)**—Agriculture and Horticulture; Cities, Towns and Counties; Commerce and Regulatory Agencies; Labor and Industrial Insurance; Transportation.
- MARDESICH (August P.)**—**Chairman:** Commerce and Regulatory Agencies; Cities, Towns and Counties; Constitution, Elections and Legislative Processes; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Transportation; Ways and Means (Revenue and Taxation).
- MATSON (Jim)**—Agriculture and Horticulture; Constitution, Elections and Legislative Processes; Labor and Industrial Insurance; Natural Resources, Fisheries and Game; Transportation.
- METCALF (Jack)**—Constitution, Elections and Legislative Processes; Education; Higher Education and Libraries; Natural Resources, Fisheries and Game.
- MURRAY (John S.)**—Education; Manufacturing and Industrial Development; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Public Pensions and Social Security; Transportation.
- NEWSCHWANDER (Charles E.)**—Commerce and Regulatory Agencies; Education; Medicine, Dentistry and Health Care; Air and Water Pollution; State Government; Ways and Means (Appropriations).
- ODEGAARD (Gary M.)**—**Chairman:** Public Institutions; Education; Medicine, Dentistry and Health Care, Air and Water Pollution; Public Pensions and Social Security; Ways and Means (Appropriations).
- PETERSON (Lowell)**—**Chairman:** Natural Resources, Fisheries and Game; Commerce and Regulatory Agencies; Transportation; Ways and Means (Appropriations).
- PETERSON (Ted G.)**—Cities, Towns and Counties; Education; Natural Resources, Fisheries and Game; Rules and Joint Rules; Ways and Means (Appropriations).
- RIDDER (Robert C. "Bob")**—Cities, Towns and Counties; Education; Labor and Industrial Insurance; Rules and Joint Rules; Ways and Means (Appropriations).
- SANDISON (Gordon)**—**Chairman:** Higher Education and Libraries; Natural Resources, Fisheries and Game; Public Institutions; Transportation; Ways and Means (Appropriations).
- SCOTT (George W.)**—Higher Education and Libraries; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Public Institutions; Transportation; Ways and Means (Appropriations).
- STENDER (John H.)**—Constitution, Elections and Legislative Processes; Education; Labor and Industrial Insurance; Rules and Joint Rules, Transportation.
- STORTINI (Joe)**—**Chairman:** Labor and Industrial Insurance; **Vice Chairman:** Cities,

Towns and Counties; Commerce and Regulatory Agencies; Public Institutions; Ways and Means (Appropriations).

**TALLEY (Don L.)**—Cities, Towns and Counties; Natural Resources, Fisheries and Game; Public Institutions; Rules and Joint Rules; Transportation; Ways and Means (Appropriations).

**TWIGG (Robert W.)**—Commerce and Regulatory Agencies; Judiciary; Manufacturing and Industrial Development; Public Institutions; Ways and Means (Revenue and Taxation).

**WALGREN (Gordon L.)**—**Chairman:** State Government; Cities, Towns and Counties; Commerce and Regulatory Agencies; Judiciary; Transportation; Ways and Means (Appropriations).

**WASHINGTON (Nat W.)**—**Chairman:** Transportation; Constitution, Elections and Legislative Processes; Education; Manufacturing and Industrial Development; Ways and Means (Revenue and Taxation).

**WHETZEL (Jonathan)**—Cities, Towns and Counties; Commerce and Regulatory Agencies; Manufacturing and Industrial Development; Parks, Tourism, Capitol Grounds and Veterans' Affairs; Transportation.

**WILSON (Bruce A.)**—**Chairman:** Parks, Tourism, Capitol Grounds and Veterans' Affairs; **Vice Chairman:** Constitution, Elections and Legislative Processes; Agriculture and Horticulture; Cities, Towns and Counties; Higher Education and Libraries; Ways and Means (Appropriations).

**WOODALL (Perry B.)**—Constitution, Elections and Legislative Processes; Judiciary; Medicine, Dentistry and Health Care, Air and Water Pollution; Ways and Means (Revenue and Taxation); Rules and Joint Rules.

**LEGISLATIVE INTERIM COMMITTEE APPOINTMENTS  
1971-1973**

**ARTS COMMISSION, WASHINGTON STATE  
(RCW 43.46.020)**

**SENATOR**  
Fred H. Dore

**REPRESENTATIVE**  
William M. Polk

**OTHER APPOINTEES**

Huntington Boyd  
Robert Buchanan  
Kenneth Callahan  
Howard O. Deming  
Paul Friedlander  
Mrs. Thomas Givan  
Mrs. Paul G. Harper  
Sherman Huffine  
Barbara Ireland  
Alan Liddle

Miss Irene Malbin  
Jack I. Mayer  
Delbert McBride  
Mrs. Marjorie Phillips  
Mrs. David E. Skinner  
Mrs. Bruce Stevenson  
Dr. Alfred J. Stojowski  
John Tenold  
Mrs. Thomas O. Williams

**BANKING, INSURANCE AND UTILITY REGULATION, INTERIM COMMITTEE ON  
(SCR 32, 1971 Ex.)**

**SENATORS**  
August P. Mardesich, Chairman  
\*Robert W. Twigg,  
George W. Clarke  
William S. Day  
Gordon Herr  
Charles E. Newschwander  
\*\*George Fleming  
\*\*Harry B. Lewis

**REPRESENTATIVES**  
A. J. "Bud" Pardini, Vice Chairman  
Leonard A. Sawyer, Secretary  
John Bagnariol  
John D. Jones  
Mark Litchman  
Warren Smith  
\*\*Chet Hatfield

**DATA PROCESSING ADVISORY COMMITTEE  
(RCW 43.105.031)**

**SENATORS**  
Frank W. Foley  
Elmer C. Huntley

**REPRESENTATIVES**  
A. N. "Bud" Shinpoch  
Thomas A. Swayze, Jr.

**OTHER APPOINTEES**

Lt. Governor John A. Cherberg, Chairman

Walter C. Howe, Executive Secretary  
George Andrews  
Louis Bruno  
Bert L. Cole  
Slade Gorton  
Robert V. Graham  
George Kinnear

John S. Lamb  
Joseph L. McGavick  
Marshall A. Neill  
Robert S. O'Brien  
James F. Ryan  
William E. Schneider  
Richard O. White

**EDUCATION COMMISSION OF THE STATES  
(RCW 28.92.020)**

**SENATOR**  
Gordon Sandison

**REPRESENTATIVE**  
Marjorie W. Lynch

**OTHER APPOINTEES**

Governor Daniel J. Evans, Chairman

Louis Bruno  
Mrs. Jerome Freiberg

Dr. William Steward  
Philip B. Swain

\*Executive Committee  
\*\*Liaison Member

**EDUCATION, JOINT COMMITTEE ON  
(RCW 44.33.220)**

**SENATORS**

Pete Francis, Secretary  
Elmer C. Huntley  
Jack Metcalf  
Gary M. Odegaard  
Robert C. Ridder

**REPRESENTATIVES**

Frank B. Brouillet, Co-Chairman  
Dale E. Hoggins, Co-Chairman  
Arthur C. Brown  
S. E. "Sid" Flanagan  
Edward F. Luders  
\*\*Chet Hatfield  
\*\*Doris J. Johnson

**EXPO '74 COMMISSION  
(CH. 1, L. 1971 Ex.)**

**SENATORS**

William S. Day  
James E. Keefe  
Robert W. Twigg

**REPRESENTATIVES**

Robert "Bob" Curtis  
Geraldine McCormick  
A. J. "Bud" Pardini

**OTHER APPOINTEES**

Luke Williams, Jr., Chairman

W. O. Allen  
Lt. Governor John A. Cherberg  
Neal Fosseen  
J. H. Leuthold

Clair Jones  
James P. McGoldrick  
Mayor David H. Rodgers  
Thomas A. Swayze, Jr., Speaker

**FISHERIES, GAME AND GAME FISH, INTERIM COMMITTEE ON  
(SCR 31, 1971 Ex.)**

**SENATORS**

Lowell Peterson, Chairman  
Hubert F. Donohue  
Gordon Herr  
Reuben A. Knoblauch  
Jack Metcalf  
Ted G. Peterson  
Don L. Talley  
Perry B. Woodall

**REPRESENTATIVES**

John Martinis, Vice Chairman  
Margaret Hurley, Secretary  
A. A. Adams  
H. Stan Bradley  
D. James Costanti  
Elmer Jastad  
William "Bill" Schumaker  
Richard L. Smythe

**FOREST TAX COMMITTEE  
(CH. 294, L. 1971 Ex.)**

**SENATORS**

Martin J. Durkan, Co-Chairman  
Harry B. Lewis, Co-Chairman

**REPRESENTATIVES**

Max E. Benitz  
Leonard A. Sawyer

**OTHER APPOINTEES**

Louis Bruno  
Bert L. Cole  
John P. Jenkins  
George Kinnear

Norman McDonell  
Peter Overton  
Fran Rutherford

\*Executive Committee  
\*\*Liaison Member



GOVERNMENTAL COOPERATION, JOINT COMMITTEE ON  
(SCR 28, 1971 Ex.)

Lt. Governor John A. Cherberg, Chairman

## SENATORS

\*R. R. Bob Greive  
\*Perry B. Woodall  
Frank T. Connor  
Fred H. Dore  
Francis E. Holman  
Jack Metcalf  
Nat W. Washington  
\*\*William S. Day  
\*\*John T. McCutcheon

## REPRESENTATIVES

\*Paul Barden,  
\*P. J. "Jim" Gallagher  
Alan Bluechel  
Gladys Kirk  
King Lysen  
Frank Marzano  
William M. Polk

HIGHER EDUCATION, COUNCIL ON  
(RCW 28B.80.040)

## SENATORS

Gordon Sandison  
George W. Scott

## REPRESENTATIVES

Marjorie W. Lynch  
James A. McDermott

## OTHER APPOINTEES

R. O. Wallenberg, Chairman

Marion Wilson, Vice Chairman  
Dr. James E. Brooks  
Dr. Charles J. Flora  
Dr. Charles J. McCann  
Dr. Charles E. Odegaard  
Dr. Emerson C. Shuck  
Dr. Glenn Terrell  
John Mundt  
Richard Albrecht  
Scott Barron

Leon Bridges  
Goodwin Chase  
Mrs. David Gaiser  
Richard Hemstad  
Walter C. Howe  
Carlton D. Lewis  
Dr. Melvin Lindbloom  
Dr. David L. McKenna  
Very Rev. Richard E. Twohy  
Walter B. Williams

HIGHER EDUCATION, JOINT COMMITTEE ON  
(RCW 44.30.020)

## SENATORS

Gordon Sandison, Chairman  
\*Francis E. Holman  
Elmer C. Huntley  
Joe Stortini  
Bruce A. Wilson

## REPRESENTATIVES

Bill Kiskaddon, Vice Chairman  
Peggy Joan Maxie, Secretary  
Donn Charnley  
Carlton A. Gladder  
John B. Rabel

INTERSTATE COMPACT COMMISSION (COLUMBIA)  
(RCW 43.57.010)

## SENATORS

John L. Cooney  
Jim Matson

## REPRESENTATIVES

Joe D. Haussler  
Irving Newhouse

JUDICIAL COUNCIL  
(RCW 2.52.010)

## SENATORS

Fred H. Dore  
William A. Gissberg  
Francis E. Holman

## REPRESENTATIVES

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(RCW 44.39.015)

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(RCW 43.94.020)

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(CH. 288, L. 1971 Ex.)

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(RCW 41.56.405)

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(RCW 41.52.010)

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 (SR 1971, Ex. 114)

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 (RCW 41.05.020)

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 (CH 287, L. 1971 Ex.)

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 (RCW 1.08.001)

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 (RCW 44.40.010 & CH. 195, L. 1971 Ex.)

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## APPENDIX

SENATE BILLS PASSED BY SENATE AND HOUSE SHOWING  
THE ACTION BY THE GOVERNOR THEREON

1971

FORTY-SECOND LEGISLATIVE SESSION  
REGULAR AND FIRST EXTRAORDINARY

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
8	Cemetery districts, all counties .....	19	3/ 2/71	6/10/71
10	Probates, 18 year olds, provision .....	28	3/22/71	6/10/71
17	Life and disability insurance guaranty association	259*	5/21/71	5/21/71
18	Insurance guaranty association .....	265*	5/21/71	5/21/71
35	EWSC, nursing, dental hygiene degrees.....	28*	4/14/71	4/14/71
37	Real property, segregation, tax payment .....	48*	5 /5/71	8/ 9/71
40	Personal representatives, records .....	29	3/22/71	6/10/71
42	Waste forest products, burning .....	233*	5/20/71	8/ 9/71
47	Motor vehicle records .....	22*	4/ 9/71	4/ 9/71
49	Vehicle wreckers, regulation .....	7*	3/29/71	8/ 9/71
Sub. 51	Business, professional licenses, fees.....	266*	5/21/71	8/ 9/71
52	Solid waste collection districts .....	293*	5/21/71	5/21/71†
56	Civil defense, general revisions .....	8*	3/29/71	8/ 9/71
58	Unemployment compensation law, federal conformity .....	1	1/15/71	1/15/71
59	Judicial retirement system established .....	267*	5/21/71	8/ 9/71
68	Industrial insurance, vocational rehabilitation			Vetoed
71	Escheat of postal savings act .....	68*	5/17/71	8/ 9/71
79	Appeals judges, retirement system .....	30	3/22/71	6/10/71
82	King county tidelands, community college ...	241*	5/20/71	8/ 9/71
Sub. 85	Municipalities, debt assumption .....	95*	5/19/71	8/ 9/71
88	State, land lease authority.....	31	3/22/71	6/10/71
Sub. 90	Legislative records preservation .....	102*	5/19/71	8/ 9/71
91	Auto longarm statute, mail service, process ...	69*	5/17/71	8/ 9/71
95	School buses, studded tires .....	32*	4/14/71	8/ 9/71†
97	County elected officials, bonds.....	71	3/23/71	6/10/71
98	Pupils, conduct, rights .....	268*	5/21/71	8/ 9/71
103	School health measures .....	32	3/22/71	6/10/71
107	Indian tribes, public agency .....	33	3/22/71	6/10/71
108	Sentencing, two or more crimes .....	295*	5/21/71	8/ 9/71†
Sub. 109	School building system provisions .....	238*	5/20/71	7/ 1/71
122	Appeals court, inclusion, existing laws.....	81	3/23/71	3/23/71
124	State patrol highway fund abolished Effective 7/1/71, 8/1/71.....	91*	5/19/71	
125	Work release approvals .....	58*	5/ 6/71	7/ 1/71
126	Nonprofit corporations .....	53*	5/ 5/71	8/ 9/71
130	Parking, business improvement areas .....	45*	5/ 4/71	8/ 9/71
131	Enriched flour, use, requirement .....	27	3/22/71	6/10/71
136	Blue lights, emergency vehicle use .....	92*	5/19/71	8/ 9/71
137	Lost instruments, public assistance, bond .....	54*	5/ 5/71	8/ 9/71
Sub. 139	Sewer, water facilities, county planning .....	96*	5/19/71	5/19/71
141	Firearms, use by minors under fourteen .....	34	3/22/71	6/10/71
Sub. 142	Fish farming .....	35	3/22/71	6/10/71
143	Highway contract plans sale .....	36	3/22/71	6/10/71
144	Taxes, segregation, government property purchases .....	260*	5/21/71	8/ 9/71
Sub. 146	Controlled substances act, drugs.....	308*	5/21/71	5/21/71†
150	Outdoor recreation bond redemption, deposits....	37	3/22/71	3/22/71
151	School plant facilities bond aid .....	4*	3/23/71	3/23/71
153	Prisoners, time served, credit .....	86*	5/18/71	8/ 9/71
156	Snowmobiles, licensing .....	29*	4/14/71	8/ 9/71

\*Extraordinary Session

†Partial Veto

## SENATE BILLS PASSED BY SENATE AND HOUSE—Continued

Senate Bill No.	Subject	Chapter Number	Date Signed	Effective Date
Sub. 157	State hospital patients, personal funds .....	82	3/23/71	3/23/71
163	ID cards, acceptance, liquor sales .....	15*	4/ 2/71	7/ 1/71
164	Underground utility wire .....	103*	5/19/71	8/ 9/71
168	Tentative school district budgets .....	93*	5/19/71	5/19/71
170	Hotels, motels, licensing .....	239*	5/20/71	8/ 9/71
171	Legislature, appropriation .....	2	1/28/71	1/28/71
172	Highway relocation, public assistance, payments .	9*	3/29/71	8/ 9/71
176	Municipal officers, contract maximums .....	242*	5/20/71	5/20/71
177	City open spaces, financing, debt provisions ..	38	3/22/71	6/10/71
179	Public assistance recipient injury costs, liens...	306*	5/20/71	8/ 9/71†
182	Physician's assistants, licensing .....	30*	4/15/71	8/ 9/71
183	Mechanics' liens, claimant's address .....	94*	5/19/71	1/ 1/72
185	Parks, governmental property conveyance .....	243*	5/20/71	8/ 9/71
188	Paramedics, mobile intensive care .....	305*	5/20/71	8/ 9/71†
195	County historical museums, expenditures .....	39	3/22/71	6/10/71
196	Prisoners, paroled, discharged, aid program ....	31*	4/15/71	8/ 9/71
203	Discrimination board hearings, appeals .....	52*	5/ 5/71	8/ 9/71
208	Colleges, universities, budgets .....	40*	4/29/71	8/ 9/71
209	Garbage trucks, axle loads .....	244*	5/20/71	8/ 9/71
214	Alcoholism facilities, programs, approval .....	104*	5/19/71	8/ 9/71†
Sub. 216	Escrow agents registration .....	245*	5/20/71	8/ 9/71
219	Cities, park property exchanges .....	16*	4/ 2/71	4/ 2/71
228	Pets, communicable diseases .....	72	3/23/71	6/10/71
231	Dental hygienists, duties expanded .....	235*	5/20/71	8/ 9/71
233	Dental assistants, duties .....	236*	5/20/71	8/ 9/71
241	Judicial council, additional members .....	40	3/22/71	6/10/71
244	Justice courts, all counties, district court .....	73	3/23/71	6/10/71
249	Accused persons, rendition .....	17*	4/ 2/71	8/ 9/71
257	Vendor rates committee membership, duties ..	87*	5/18/71	8/ 9/71
261	Wage protection .....	55*	5/ 6/71	8/ 9/71
262	Cigarette tax, bond retirement fund amount ....	70*	5/17/71	5/17/71
266	Joint purchasing, private schools .....	26	3/22/71	3/22/71
269	Fire district levies .....	105*	5/19/71	8/ 9/71
273	Minors, drug, alcohol abuse care, consent .....	304*	5/20/71	8/ 9/71†
277	Superior court, non-county seat sessions .....	60*	5/ 7/71	8/ 9/71
288	Park lands, new bids call.....	246*	5/20/71	8/ 9/71
291	State highway routes .....	73*	5/17/71	8/ 9/71
295	Homes, hospitals, license expirations .....	247*	5/20/71	8/ 9/71
298	Educators, insurance .....	269*	5/21/71	8/ 9/71
302	Public records, noncurrent, destruction .....	10*	3/29/71	8/ 9/71
311	Housing projects, recreational purposes.....		Vetoed	
312	Highways, emergency protection .....	4	2/ 5/71	2/ 5/71
314	State owned lands, multiple use .....	234*	5/20/71	8/ 9/71
335	Crawfishing, commercial .....	106*	5/19/71	8/ 9/71
Sub. 352	Nonresident vehicles, trailers use tax exempt ..	11*	3/29/71	7/ 1/71
Sub. 354	Police, firemen minimum employment standards	257*	5/21/71	5/21/71
363	Air space corridor .....	39*	4/29/71	8/ 9/71
368	Colleges, universities, retirement plans .....	261*	5/21/71	8/ 9/71
369	Warning device, red light reflector .....	97*	5/19/71	8/ 9/71
Sub. 372	Recreational trails; all-terrain vehicles .....	47*	5/ 5/71	8/ 9/71
373	Colleges, port districts, bidding provisions .....	258*	5/21/71	8/ 9/71
380	Disability insurance, chiropractic services .....	13*	3/37/71	8/ 9/71†
Sub. 390	Appeals courts, decisions, precedential value ...	41	3/22/71	6/10/71
391	Plats, subdivisions, notice defects .....		Vetoed	
394	Mexican-American affairs commission .....	34*	4/21/71	8/ 9/71
Sub. 401	Vehicles, larger, highway use .....	248*	5/20/71	8/ 9/71
408	Vendor's rates committee, duties .....	298*	5/21/71	8/ 9/71†
410	Horticultural plants, regulations .....	33*	4/14/71	7/ 1/71†
419	Private college students, tuition supplement ....	56*	5/ 6/71	8/ 9/71

\*Extraordinary Session

†Partial Veto



## SENATE BILLS PASSED BY SENATE AND HOUSE—Continued

Senate Bill No.	Subject	Chapter Number	Date Signed	Effective Date
428	Litter control act .....	307*	5/21/71	5/21/71†
Sub. 441	Crimes, omnibus bill.....	302*	5/21/71	5/21/71†
Sub. 446	Custom meat facilities regulation .....	98*	5/19/71	8/ 9/71
447	Appeals court reports distribution .....	42	3/22/71	6/10/71
449	Appeals court, appeals, procedures .....	107*	5/19/71	8/ 9/71
450	Gross load special permit violations .....	249*	5/20/71	8/ 9/71
454	Prescriptions, medicine name, dosage.....	99*	5/19/71	8/ 9/71
465	Puget Sound pilotage .....	297*	5/21/71	5/21/71†
467	Traffic fatalities, blood analysis .....	270*	5/21/71	8/ 9/71
469	Colleges, university administrative procedures act, Effective 5/6/71 and 9/1/71 .....	57*	5/ 6/71	
472	Accident prevention insurance premium system	274*	5/21/71	8/ 9/71
485	Open public meetings act .....	250*	5/20/71	8/ 9/71
486	PUD facilities, relocation costs .....	262*	5/21/71	8/ 9/71
496	Homesteads, awards .....	12*	3/29/71	8/ 9/71
512	County officials, salaries .....	237*	5/20/71	8/ 9/71
514	Criminal extradition, uniform act .....	46*	5/ 5/71	7/ 1/71
515	Nursery stock, property tax .....	18*	4/ 2/71	8/ 9/71
522	Public employees, retirement .....	271*	5/21/71	5/21/71
525	Meat, poultry inspection, federal regulations .....	108*	5/19/71	8/ 9/71
531	School code, publication, sale .....	100*	5/19/71	8/ 9/71
Sub. 542	Sewer district boundaries, two counties .....	272*	5/21/71	8/ 9/71
Sub. 545	Environmental policy, established .....	109*	5/19/71	8/ 9/71
Sub. 553	Delinquents, adjudicated, placement .....			Vetoed
559	Expenditure reductions, certain agencies .....	263*	5/21/71	8/ 9/71
564	Corporations, shares .....	38*	4/28/71	8/ 9/71
567	Puget Island-Westport ferry .....	254*	5/21/71	8/ 9/71
579	Municipalities, tourist promotion .....	61*	5/ 7/71	8/ 9/71
594	College, resident, nonresident, defined .....	273*	5/21/71	5/21/71
605	Motor vehicle demolition; hulk haulers .....	110*	5/19/71	8/ 9/71
606	Abandoned junk vehicles, removal.....	111*	5/19/71	8/ 9/71
612	Election days, liquor sales .....	112*	5/19/71	8/ 9/71
619	Public records, inspection provisions .....	255*	5/21/71	8/ 9/71
626	Depository interest, distribution .....	72*	5/17/71	5/17/71
629	Highways, emergency restoration .....	89*	5/19/71	8/ 9/71
635	Highways, outdoor advertising signs .....	62*	5/10/71	5/10/71
648	Legal services revolving fund .....	71*	5/17/71	7/ 1/71
658	Manufactured goods, maker identification .....	113*	5/19/71	8/ 9/71
659	Public employees, tax deferred annuities .....	264*	5/21/71	5/21/71
Sub. 678	Optional municipal code, general revisions .....	251*	5/20/71	5/20/71
690	Metro municipal corporations, general revisions .....	303*	5/21/71	5/21/71†
691	Public transportation system, tax support .....	296*	5/21/71	8/ 9/71†
710	Fire district employees, residency .....	256*	5/21/71	5/21/71
720	Historic cars, special license plates .....	114*	5/19/71	8/ 9/71
735	Junkyards, adjacent to highways .....	101*	5/19/71	8/ 9/71
737	Expo '74 commission .....	1*	3/19/71	3/19/71
738	Business corporations .....	2*	3/19/71	3/19/71
739	Spokane, state building .....	3*	3/19/71	3/19/71
755	Franchise investment protection act .....	252*	5/20/71	5/ 1/72
Sub. 770	Uniform relocation program .....	240*	5/20/71	7/ 1/71
Sub. 796	Collection agencies act .....	253*	5/20/71	1/ 1/72
Sub. 849	Timber, forest lands, taxation .....	294*	5/21/71	5/21/71†
857	Veteran's, seniority credit allowance.....	19*	4/ 2/71	4/ 2/71
858	Seaquest park, land exchange, addition .....	90*	5/19/71	8/ 9/71
861	Highway employees, personnel jurisdiction .....	115*	5/19/71	8/ 9/71
862	State warrants, issuance .....	88*	5/19/71	5/19/71
863	LID's, liens, bonds .....	116*	5/19/71	8/ 9/71
865	Legislative authorities, charter counties .....	117*	5/19/71	8/ 9/71
Sub. 866	State school residents, financial responsibility ..	118*	5/19/71	5/19/71

\*Extraordinary Session

†Partial Veto

**SENATE BILLS PASSED BY SENATE AND HOUSE—Continued**

<i>Senate Bill No.</i>	<i>Subject</i>	<i>Chapter Number</i>	<i>Date Signed</i>	<i>Effective Date</i>
879	Legislature, appropriation, extra session . . . . .	14*	3/31/71	3/31/71
883	Weed district assessments, highway lands . . . . .	119*	5/19/71	8/ 9/71
884	Housing authorities, supplemental projects . . . . .	300*	5/21/71	8/ 9/71†
Sub. 897	Reforestation lands, tax, Effective 6/1/71, 7/1/71 1/1/72, 1/1/73 . . . . .	299*	5/21/71	
903	Fish feeding, purchasing, five percent differential			Vetoed
906	Ferries, in-state construction . . . . .	21*	4/ 7/71	4/ 7/71
Sub. 915	Ferry system support, gas tax . . . . .			Vetoed
918	State leases, time period error correction . . . . .	23*	4/ 9/71	4/ 9/71
925	Property taxes, payment under protest . . . . .	42*	4/30/71	4/30/71
Sub. 926	Supplemental budget appropriation . . . . .	301*	5/21/71	5/21/71†

\*Extraordinary Session  
†Partial Veto

**SENATE MEMORIALS AND RESOLUTION PASSED BY THE  
SENATE AND HOUSE  
1971**

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**FORTY-SECOND LEGISLATIVE SESSION  
REGULAR AND FIRST EXTRAORDINARY**

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**SENATE JOINT MEMORIALS**

<i>Number</i>	<i>Subject</i>
1	Coastline fisheries jurisdiction
5	Welfare programs, federal obligation
15	Outdoor advertising control, federal fund claim
16	Driver licensing, national regulation
17	Natural gas company mergers
19	Employment supplement program added funds

**SENATE JOINT RESOLUTIONS**

1	Property tax, twenty-five percent assessed value
5	Lottery permitted
22	State credit, loaning for public purpose
36	Eighteen year old vote, federal Constitution ratification
38	County officials, salaries

**SENATE CONCURRENT RESOLUTIONS**

2	School funds, single distribution method
3	Community college funds, study
4	Handicapped children, education
5	Community college program costs
8	Viet Nam POW's candlelight ceremony
9	Forest tax committee continued
12	Ecology curricula study
13	Joint rules, forty-second legislature, adopted
17	Consideration of bills
18	Nancy Kay Peterson, honorary hostess
19	Reintroduced bill; adopting rules
23	Vocational education needs study
24	Bill consideration, error correction
28	Governmental cooperation joint committee reestablished
29	Interim municipal committee established
31	Fisheries, game, game fish committee, created
32	Banking, insurance, utility committee, established

HOUSE BILLS PASSED BY SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON

1971

FORTY-SECOND LEGISLATIVE SESSION REGULAR AND FIRST EXTRAORDINARY

Table with 5 columns: House Bill No., Subject, Chapter Number, Date Signed, Effective Date. Lists various bills such as High school equivalency certificate, Truant schools, provisions repealed, Common schools, violence prohibited, etc.

\*Extraordinary Session †Partial Veto

## HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
133	Boundary review, certain municipal actions . . . . .	127*	5/19/71	8/ 9/71
134	Fire commissioners, merged districts . . . . .	55	3/22/71	6/10/71
140	Auto insurance, discriminatory cancellation . . . . .	174*	5/20/71	8/ 9/71
Sub. 142	Sewer, water districts, county approval . . . . .	139*	5/19/71	8/ 9/71
143	Professional service corporations, officers . . . . .	57	3/22/71	6/10/71
144	Computer services, B & O tax deduction . . . . .			Vetoed
Sub. 151	State agencies operating budget . . . . .	275*	5/21/71	5/21/71†
Sub. 152	Capital improvements budget . . . . .	276*	5/21/71	5/21/71†
157	Blood transfusions, implied warranty . . . . .	56	3/22/71	6/10/71
158	State-wide city employees' retirement . . . . .	75	3/23/71	6/10/71
166	Assessors, examinations, licensing . . . . .	27*	4/12/71	8/ 9/71†
171	Wildlife agent, defined . . . . .	121*	5/18/71	8/ 9/71
172	Tax statutes, pre-HJR 42 status . . . . .	281*	5/21/71	5/21/71†
175	Criminal investigations, grand juries . . . . .	67*	5/10/71	5/10/71
181	Statute of limitations, toll commencement . . . . .	131*	5/18/71	8/ 9/71
199	Unemployment compensation, federal conformity . . . . .	3	1/28/71	1/28/71
200	Kalama, Everett harbor lines relocated . . . . .	158*	5/19/71	8/ 9/71
206	Bulk sales act, asset transfers . . . . .	23	3/22/71	6/10/71
209	Fiscal agency, duties, cremating procedure . . . . .	163*	5/20/71	5/20/71
210	Police, firemen retirement administrative costs . . . . .	216*	5/21/71	1/ 1/72
211	Local government, obsolete material repealed . . . . .	76	3/23/71	6/10/71
212	Marine fuels, certain, forty percent tax limit removed . . . . .	140*	5/19/71	8/ 9/71
213	Inheritance taxes, payment period . . . . .	132*	5/19/71	9/ 1/71
Sub. 214	Recalls, time limitation . . . . .	205*	5/21/71	5/21/71
215	Voting machines, all elections . . . . .	6*	3/29/71	3/29/71
216	Private foundation trusts . . . . .	58	3/22/71	6/10/71
217	Private foundation nonprofit corporations . . . . .	59	3/22/71	6/10/71
218	Regional law libraries authorized . . . . .	141*	5/19/71	5/19/71
220	Foreign corporations document requirements . . . . .	22	3/22/71	6/10/71
221	Secretary of state revolving fund created . . . . .	122*	5/19/71	8/ 9/71
222	Nonprofit corporation agent change notice . . . . .	128*	5/19/71	8/ 9/71
225	Corporations, license fee notice . . . . .	142*	5/18/71	8/ 9/71
228	Outdoor recreation interagency committee ecology director . . . . .	60	3/22/71	6/10/71
229	Public service companies, general revisions Effective 8/9/71, 10/31/71 . . . . .	143*	5/19/71	
234	Secured, leased property, nonreturn . . . . .	61	3/22/71	6/10/71
237	Natural resources department small sales . . . . .	123*	5/19/71	8/ 9/71
242	Voting devices use; elections employees' wage . . . . .	124*	5/19/71	8/ 9/71
245	Precinct committeeman, name on ballot twice . . . . .	18	3/ 2/71	6/10/71
Sub. 247	Special fuel tax . . . . .	175*	5/20/71	1/ 1/72
248	County road millage funds, use . . . . .	25*	4/12/71	8/ 9/71
250	School property, annexation to city . . . . .	69	3/23/71	3/23/71
251	Tax payment receipt, mailed notice . . . . .	35*	4/26/71	8/ 9/71
254	Search and copy corporate filings . . . . .	133*	5/18/71	8/ 9/71
Sub. 257	Child support payments, liens permitted . . . . .	164*	5/20/71	5/20/71
266	Liquor board regulations filing . . . . .	62	3/22/71	6/10/71
267	Liquor license transfers . . . . .	70	3/23/71	7/ 1/71
270	Liquor agency vendors, non-civil service . . . . .	59*	5/ 7/71	8/ 9/71
273	Highways, environmental impact . . . . .	24*	4/ 9/71	8/ 9/71
277	Community health programs, revisions . . . . .	204*	5/21/71	8/ 9/71
Sub. 283	Property tax relief . . . . .	288*	5/21/71	5/21/71†
291	Gambling, charitable organizations . . . . .	280*	5/21/71	8/ 9/71†
298	Tire standards Effective 6/10/71, 1/1/72 . . . . .	77	3/23/71	
300	Right of entry, natural resources employees . . . . .	49*	5/ 5/71	5/ 5/71
303	Fire protection, natural resources department . . . . .	134*	5/18/71	8/ 9/71
305	Child abuse, health, social services . . . . .	167*	5/20/71	8/ 9/71
Sub. 309	Legal age, lowered to eighteen . . . . .	292*	5/ 2/71	8/ 9/71†

\*Extraordinary Session

†Partial Veto

## HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
311	Suspended sentences, procedures .....	188*	5/20/71	8/ 9/71
313	County infirmaries, income .....	277*	5/21/71	8/ 9/71†
320	Elevator inspection, division of safety .....	66	3/23/71	6/10/71
Sub. 321	Intoxicated drivers, suspended sentence .....	284*	5/21/71	8/ 9/71
322	School bus leases, retarded children use.....	78	3/23/71	6/10/71
335	Private schools .....	215*	5/21/71	8/ 9/71
337	Irrigation district land sale notice.....	125*	5/19/71	8/ 9/71
346	Schools, employee leaves .....	203*	5/21/71	8/ 9/71
351	Medical professionals, charges .....	144*	5/18/71	8/ 9/71
353	Fuel, nonhighway use, tax refunds.....	36*	4/26/71	8/ 9/71
357	Blind law, revisions .....	77*	5/17/71	8/ 9/71
362	Trusts, perpetuities rule .....	229*	5/21/71	8/ 9/71
364	Voters' pamphlets .....	145*	5/18/71	8/ 9/71
372	Voter registration records .....	202*	5/21/71	8/ 9/71
373	State patrol retirement pensions .....	278*	5/21/71	7/ 1/71†
Sub. 379	Osteopaths, chiropractors, licensing, examinations	227*	5/21/71	5/21/71
391	WSU, Skagit county property sale .....	228*	5/21/71	5/21/71
394	Water resources management plan .....	225*	5/21/71	8/ 9/71
397	Small construction, maintenance contracts .....	78*	5/17/71	8/ 9/71
403	Municipal airports, warrants .....	176*	5/20/71	8/ 9/71
405	Practical nurses .....	68	3/23/71	6/10/71
411	Pharmacist, pharmacy fees increased .....	201*	5/21/71	5/21/71
414	Child placement, interstate compact .....	168*	5/20/71	8/ 9/71
415	Pesticide poisoning, investigate, control .....	41*	4/29/71	8/ 9/71
416	Public assistance, general revisions.....	169*	5/20/71	8/ 9/71
Sub. 417	Social, health services advisory committees .....	189*	5/20/71	8/ 9/71
429	State agency facilities, services, charges.....	159*	5/19/71	8/ 9/71
430	OEO, state, local participation .....	177*	5/20/71	5/20/71
Sub. 433	Eighteen year old vote .....	178*	5/20/71	8/ 9/71
434	Teachers' retirement, insurance deductions.....	63	3/22/71	6/10/71
437	Municipalities, fiscal agency .....	79*	5/17/71	8/ 9/71
438	Counties, salaries, claims funds .....	214*	5/21/71	8/ 9/71
451	Child support, extended enforcement authority .....	213*	5/21/71	8/ 9/71
Sub. 461	Excise taxes, due dates, penalties.....	179*	5/20/71	5/20/71
464	State lands, school use, rental .....	200*	5/21/71	8/ 9/71
477	Natural resources, water management, funds .....	224*	5/21/71	8/ 9/71
486	Excise tax, apportionment, crediting .....	80*	5/17/71	5/17/71
491	Vocational education programs, implementation..	285*	5/21/71	8/ 9/71†
493	Leasehold estates, assessments .....	43*	4/30/71	4/30/71
495	Water well construction regulation .....	212*	5/21/71	7/ 1/71
509	Beef commission, assessments .....	64	3/22/71	6/10/71
Sub. 510	Highways budget			
	Effective 5/21/71, 8/9/71†.....	290*	5/21/71	
523	County employees safety awards .....	79	3/23/71	6/10/71
540	Pesticides control board established .....	190*	5/20/71	8/ 9/71
543	Motor vehicle excise, county distribution .....	199*	5/21/71	8/ 9/71
Sub. 545	Management surveys, legislative budget.....	170*	5/20/71	8/ 9/71
Sub. 553	Comprehensive health planning.....	198*	5/21/71	8/ 9/71
558	Public warehouse, open air enclosures .....	65	3/22/71	6/10/71
Sub. 561	Prisoners, released, monetary grants .....	171*	5/20/71	8/ 9/71
Sub. 562	Safe wiring labels, inspection fees .....	129*	5/19/71	12/ 1/71
567	Sewer, water district mergers .....	146*	5/19/71	8/ 9/71
575	County probation program, base rate.....	165*	5/20/71	5/20/71
Sub. 584	Shoreline areas management .....	286*	5/21/71	6/ 1/71†
Sub. 594	Discrimination, sex .....	81*	5/17/71	7/ 1/71
Sub. 595	Pollution disclosure act .....	160*	5/19/71	8/ 9/71
597	Mobile home and recreation vehicle advisory board .....	82*	5/17/71	8/ 9/71
620	Grant county justices, number reduced .....	147*	5/18/71	8/ 9/71

\*Extraordinary Session

†Partial Veto

## HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued

House Bill No.	Subject	Chapter Number	Date Signed	Effective Date
622	Municipal bonds, general revisions .....	223*	5/21/71	8/ 9/71
636	Pesticides, application .....	191*	5/20/71	8/ 9/71
642	Mutual savings banks .....	222*	5/21/71	8/ 9/71
643	Superior court judicial districts altered .....	83*	5/17/71	8/ 9/71
644	Vehicle overloading, responsibility .....	148*	5/18/71	8/ 9/71
645	Motor vehicle penalty assessments, allocation..	26*	4/12/71	8/ 9/71
Sub. 655	Oil discharge, spillage, prevention, control .....	180*	5/20/71	5/20/71
659	Cross sound transportation, plans .....	149*	5/18/71	5/18/71
660	Credit cards, small loan regulations exempt .....	37*	4/26/71	8/ 9/71
672	Eye protection, motorcyclists .....	150*	5/18/71	8/ 9/71
675	Agriculture commodity boards, producers- handlers .....	25	3/22/71	6/10/71
676	Commercial feed lots .....	181*	5/20/71	8/ 9/71
684	Disability insurance, psychological services .....	197*	5/21/71	8/ 9/71
686	Judgment debtors, written interrogatories .....	211*	5/21/71	8/ 9/71
687	Commercial salmon fishing license fees Effective 5/21/71, 1/1/72† .....	283*	5/21/71	
688	Forest fire suppression, supplemental appropriation .....	50*	5/ 5/71	8/ 9/71
694	Family courts, special aid, recommendation .....	151*	5/19/71	8/ 9/71
697	Criminal property damage, penalties increased...	152*	5/19/71	8/ 9/71
705	Public livestock markets .....	192*	5/20/71	8/ 9/71
706	Commission merchants Effective 8/9/71, 9/1/72 .....	182*	5/20/71	
707	Mental health funds, federal matching .....	84*	5/17/71	8/ 9/71
720	Medical malpractice, limitations statute .....	80	3/23/71	6/10/71
721	State trust lands, sale, parks purposes.....	210*	5/21/71	8/ 9/71
727	Livestock brand inspection .....	135*	5/19/71	8/ 9/71
728	Public property, transfer, tax .....	44*	4/30/71	4/30/71
735	Workmen's compensation, three way coverage .....	289*	5/21/71	8/ 9/71†
738	Washington state association of counties .....	85*	5/17/71	8/ 9/71
739	Community colleges, employees, negotiations...	196*	5/21/71	8/ 9/71
Sub. 740	Colleges, universities, tuition, fees .....	279*	5/21/71	8/ 9/71†
743	Executive assistants, civil service exempt.....	209*	5/21/71	8/ 9/71
759	Urban arterial board reporting periods .....	291*	5/21/71	8/ 9/71†
Sub. 762	Adoptive parents, preplacement studies .....	172*	5/20/71	8/ 9/71
765	County budget hearings, dates .....	136*	5/18/71	8/ 9/71
766	Fire commissioners, removal provision .....	153*	5/18/71	8/ 9/71
Sub. 768	Adoptions, hard to place children .....	63*	5/10/71	8/ 9/71
Sub. 772	Fire permits, pollution control .....	232*	5/19/71	8/ 9/71
773	Deer, elk, protection .....	183*	5/20/71	8/ 9/71
798	Identical cards, welfare recipients.....	65*	5/10/71	8/ 9/71
800	Cooperatives, mergers, incorporation .....	221*	5/21/71	8/ 9/71
803	State debt incurrence control Pending HJR 52 .....	184*	5/20/71	
813	Electrical contractors, prequalification .....	220*	5/21/71	8/ 9/71
817	State building authority, debt, bonds Pending HJR 52 .....	154*	5/18/71	
832	Water pollution control appropriation.....	20*	4/ 7/71	4/ 1/71
841	Handicapped, public accommodations .....	219*	5/21/71	8/ 9/71
853	Veneral diseases, contraceptives .....	185*	5/29/71	8/ 9/71
860	Hops in transit, tax exemption .....	137*	5/18/71	7/ 1/71
863	School day, defined .....	161*	5/19/71	8/ 9/71
865	State land planning commission created .....	287*	5/21/71	8/ 9/71†
876	Civic centers, class H licenses .....	208*	5/21/71	8/ 9/71
878	Session laws publication.....	5*	3/25/71	3/25/71
888	Nuclear fuel assemblies, B & O tax .....	186*	5/20/71	7/ 1/71
892	Legislative transportation committee, created, duties .....	195*	5/21/71	5/21/71
Sub. 915	Welfare recipients, social, health services .....	309*	5/20/71	7/ 1/71
929	Air pollution control, emergency action.....	194*	5/20/71	8/ 9/71

\*Extraordinary Session

†Partial Veto

**HOUSE BILLS PASSED BY SENATE AND HOUSE—Continued**

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1034	Landowner forest fire suppression.....	207*	5/21/71	5/21/71
1037	Institutional schools, student attendance.....	51*	5/ 5/71	8/ 9/71
Sub. 1041	TV reception improvement districts .....	155*	5/19/71	8/ 9/71
1046	Public hospital districts, taxes, bonds.....	218*	5/21/71	8/ 9/71
1060	Trails, along highways, provisions .....	130*	5/18/71	8/ 9/71
1072	Disabled veterans, free auto licenses .....	193*	5/20/71	8/ 9/71
1075	Collective bargaining, retroactive wages .....	187*	5/20/71	8/ 9/71
1123	Nonprofit blood banks, property tax .....	206*	5/21/71	5/21/71

\*Extraordinary Session  
†Partial Veto



**HOUSE MEMORIALS AND RESOLUTIONS PASSED BY THE  
SENATE AND HOUSE  
1971**

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**FORTY-SECOND LEGISLATIVE SESSION  
REGULAR AND FIRST EXTRAORDINARY**

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**HOUSE JOINT MEMORIAL**

<i>Number</i>	<i>Subject</i>
3	Railroad cars, reflectors
4	Viet Nam prisoners, release
15	Eighteen year old vote, federal Constitution ratification

**HOUSE JOINT RESOLUTIONS**

1	Tax exemptions, legislative review
21	City-county government provision
47	Special levies, forty percent, three-fifths majority
52	Debt, state, contracting permitted

**HOUSE CONCURRENT RESOLUTIONS**

1	Donald Sampson, commended
2	Legislature organized
3	Governor's budget message
5	Richard G. Capen, legislative address
6	Deceased legislators commemorated
7	Post high school education study
12	Oil spills, supertankers, study
14	Faculty tenure study
16	Will Bachofner commended
19	Schools, evening, weekend use study
20	State regional library study
22	Vice-President's message, joint session
23	Landlord-tenant laws study
24	Consideration of bills, time extended
25	Adjournment SINE DIE
26	Legislature organized, extraordinary session
35	College credit transfers study
39	Optional model county charters study
41	State pension funding alternatives, study
42	Highway construction expedited
44	Adjournment SINE DIE



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**TITLE AND HISTORY OF SENATE BILLS—Continued**

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51. (SUBSTITUTE) Committee on Medicine, Dentistry and Health Care, Air and Water Pollution: Providing for changes in certain licensing regulations. ....	.....	1847, 1916	701	702	1847, 1917	1552, 1687, 702, 1917	1552, 1686, 1916	2000	2004	Signed p. 2022 Ch. 266 Ex.

52. Senators Greive, Knoblauch, Peterson (Ted), Talley, Lewis and Keefe (by Legislative Council request): Providing changes relating to solid waste and providing for solid waste collection districts. ....	26	1112	1217	1224	1809	1224, 1809	1809	2000	2004	Signed p. 2008 Ch. 293 Ex. P. V.
53. Senators Peterson (Ted), Knoblauch, Greive, Talley and Lewis (by Legislative Council request). Providing for the demolition of motor vehicles. ....	26									
54. Senators Greive, Knoblauch, Peterson (Ted), Talley and Lewis (by Legislative Council request): Regarding the building of high-rise apartments on tide lands. ....	27	1199	1278	1278		1278				
55. Senators Peterson (Ted) and Elicker: Prohibiting the hunting of imported animals. ....	27									
56. Senators Atwood, Henry and Talley (by departmental request): Providing for certain changes relating to the department of civil defense. ....	27	184	244	244, 630		245, 630	SCR 17, 730	736	755	Signed p. 821 Ch. 8 Ex.
57. Senators Holman, Wilson and Elicker: Providing for payment of certain costs and expenses for indigents. ....	27	138	181	181, 631		182, 631	SCR 17			
58. Senators McDougall, Matson, Durkan, Marde-sich, Greive, Lewis, Stortini and Stender (by executive request): Conforming Washington unemployment compensation law to federal law in regard to certain extended benefits. ....	28	59	28	30	42, 46, 62	32, 43, 63	40, 46, 59	64	64	Signed p. 66 Ch. 1
59. Senators Woodall, Cooney, Twigg and Greive (by Legislative Council request): Establishing a judicial retirement system. ....	33	786, 1748, 1848	946, 992		78, 79, 947, 1552, 1674,	993, 1851	1552, 1674, 1748, 1847	2000	2004	Signed p. 2022 Ch. 267 Ex.

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60. Senators Day, Gissberg, Keefe and Guess: Requiring certificates of pregnancy termination. . .	33									
61. Senators Guess, Twigg, Jolly, Washington, Day, Huntley, Donohue and Canfield: Delegating elevator inspection to the division of safety. . . .	33									
62. Senators Francis, Walgren and Gissberg: Providing that a personal representative may recover damages for decedent's pain and suffering. . . . .	34	79	196	196, 631		196, 631	SCR 17			
63. Senators Atwood, Dore and Gissberg: Providing for autopsy in all cases where decedent died in jail or prison. . . . .	34	79	182	182, 631		182, 631	SCR 17			
64. Senators Atwood, Ridder and Gissberg (by departmental request): Establishing procedures for issuance of occupational drivers' license. . . . .	34	214	254	255, 632		255, 632	SCR 17			
65. Senators Woodall, Twigg and Greive (by Legislative Council request): Amending the uniform reciprocal enforcement of support act. . . . .	34	497				740				

66. Senators Durkan, Metcalf, Dore, Francis, Huntley, Odegaard, Scott and Ridder (by Joint Committee on Education request, executive request and Superintendent of Public Instruction request): Implementing law relating to education of all handicapped children. ....	34	215, 520	226, 703	745	226, 698, 704	745	.....	.....	.....	.....
67. Senators Bailey, Lewis and Walgren: Revising the Washington public employees' retirement system. ....	34	480	.....	.....	687	.....	.....	.....	.....	.....
68. Senators Ridder, Stender, Bailey and Stortini: Allowing vocational rehabilitation or retraining under industrial insurance coverage. ....	35	271	369	369, 632	1839	369, 632, 1839	SCR 17, 1839	2000	2004	p. 2008 Vetoed
69. Senators Talley, Bailey and Stender: Providing for an increase in payment to prior pensioners under the industrial insurance statute. ....	35	.....	.....	.....	.....	.....	.....	.....	.....	.....
70. Senators Dore, Ridder and Connor: Extending redemption periods and staying foreclosure sales on real property mortgages and deeds of trust. ....	35	.....	.....	.....	.....	.....	.....	.....	.....	.....
71. Senators Holman, Foley and Newschwander (by departmental request): Enacting the Model Escheat of Postal Savings System Accounts Act. ...	35	273, 480	677	677	.....	677	1399	1399	1445	Signed p. 2021 Ch. 68 Ex.
72. Senators Woodall and Cooney (by Legislative Council request): Providing for certain changes relating to the debt adjusters. ....	35	770	.....	.....	.....	.....	.....	.....	.....	.....
73. Senators Greive, Twigg, Woodall and Cooney (by Legislative Council request): Precluding as evidence statements made by any party to a personal injury action unless copies of such statement be made available to him within 10 days after request. ....	35	139	195	195, 632	.....	195, 633	SCR 17	.....	.....	.....

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74. Senators Greive, Woodall and Cooney (by Legislative Council request): Providing for bonding of officials and employees of the inferior courts. ....	35									
75. Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request): Providing compensation for innocent victims of crime. ....	35									
76. Senators Woodall, Twigg, Greive, Cooney and Henry (by Legislative Council request): Increasing penalties for driving when license has been suspended or revoked. ....	44									
77. Senators Jolly, Matson and Wilson: Providing for authority to an irrigation district to appoint a district treasurer. ....	44									
78. Senators Ridder, Elicker, Fleming and Huntley (by Public Pension Commission request): Providing for increased pension benefits for certain retired employees of institutions of higher education. ....	45	159			159					
79. Senators Elicker, Fleming and Herr (by Public Pension Commission request): Providing for inclusion of court of appeals judges in judges' retirement system. ....	45	185	280	280	78, 79	281	608	612	618	Signed p. 754 Ch. 30



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88. Senators Guess, Twigg, Washington and Atwood: Authorizing the state building authority to lease land from the state or its agencies. ....	53	123	149	149	611	149	611, 613	616	618	Signed p. 754 Ch. 31
89. Senators Peterson (Ted), Knoblauch and Murray: Requiring second hand dealers to fence or hedge certain parts of their premises. ....	53	1260	1326	1326	1327, 1348	1349	.....	.....	.....	.....
90. Senators Scott, Wilson and Lewis: Providing for the preservation of legislative records. ....	53	333	.....	.....	426	.....	.....	.....	.....	.....
90. (SUBSTITUTE) Committee on Constitution, Elections and Legislative Processes: Providing for the preservation of legislative records. ....	.....	.....	426	426, 633	1840	427, 633, 1840	SCR 17, 1840	2000	2004	Signed p. 2021 Ch. 102 Ex.
91. Senators Glssberg, Woodall and Atwood: Providing that service of process under the automobile long-arm statute shall be by return receipt requested registered mail to the last known address. ....	53	467	492	493, 633	.....	493, 634	SCR 17, 1399 <sup>a</sup>	1399	1445	Signed p. 2021 Ch. 69 Ex.
92. Senators Woodall, Atwood and Dore: Providing for allowance of attorney's fees as costs in actions where pleaded amount is one thousand or less. ....	53	.....	.....	.....	.....	.....	.....	.....	.....	.....
93. Senators Dore, Holman, Stortini and Odegaard: Establishing the Washington commission for the blind. ....	53	896	.....	.....	1433	.....	.....	.....	.....	.....



93. (SUBSTITUTE) Committee on Medicine, Dentistry and Health Care, Air and Water Pollution: Establishing the Washington Commission for the Blind. ....	1433	1433, 1449	1434, 1449, 1450	1433						
94. Senators Ridder, Elicker, Keefe and Lewis: Requiring certain school district employees give notice of intention not to return for next term or presumed reemployed therefor. ....	54									
95. Senators Talley, Washington, Huntley and Henry: Allowing school buses to use studded tires. ....	54	109	149	150, 634	955	150, 634, 955	SCR 17, 955	965	996	Signed p. 1086 Ch. 32 Ex. P. V.
96. Senators Foley and Henry: Providing a change in the law regulating voting devices and vote tallying systems. ....	54									
97. Senators Whetzel, Walgren and Cooney (by Legislative Council request): Increasing bonding requirements of elected county officials. ....	54	139	193	193	193, 610	610	616	618		Signed p. 755 Ch. 71
98. Senators Francis, Metcalf and Ridder (by Joint Committee on Education request and executive request): Setting out guidelines for pupil conduct, discipline and rights in the common schools. ....	54	185	893, 903, 917, 960	904, 961	894, 905, 917	905, 961	1996	2000	2004	Signed p. 2022 Ch. 268 Ex.
99. Senators Whetzel, Elicker, Cooney and Walgren (by Legislative Council request): Providing for approval by a county legislative authority of certain action by a sewer or water district. ....	54									
100. Senators Whetzel, Cooney and Peterson (Ted) (by Legislative Council request): Providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts. ....	54	302	426	426, 634	426, 634	SCR 17				

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101. Senators Whetzel, Talley, Peterson (Ted) and Cooney (by Legislative Council request): Providing for the creation of city-county municipal corporations. ....	55									
102. Senators Stender, Talley, Connor and Whetzel (by Legislative Council request): Providing for reduction in the number of fire commissioners in a merged fire protection district. ....	55	302	396	396, 635		896, 635	SCR 17			
103. Senators Metcalf, Ridder and Odegaard (by Joint Committee on Education request): Providing certain health measures relating to common schools. ....	55	79, 271	296	297	223	297, 612	611	616	618	Signed p. 754 Ch. 32
104. Senators Fleming, Francis, Gardner, Peterson (Ted), Dore, Durkan, Stortini and Ridder (by Joint Committee on Education request): Implementing law relating to school holidays. ....	55	185	1313	1314		1314				
105. Senators Durkan, Peterson (Ted) and Dore: Providing an automotive repair responsibility act. ....	55	604								
105. (SUBSTITUTE) Committee on Commerce and Regulatory Agencies: Providing an automotive repair responsibility act. ....		886	873, 886	873, 887	873, 874, 884, 886	874, 888				









133. Senators Foley, Newschwander, Andersen and Canfield (by Legislative Budget Committee request): Transferring powers from the boards of trustees of community colleges to the college board. ....	77	91	148	148	84, 586	369, 637	SCR 17	.....	.....	.....
134. Senators Atwood, Foley and Canfield (by Legislative Budget Committee request): Restricting establishment of community college satellite campuses. ....	77	.....	.....	.....	.....	.....	.....	.....	.....	.....
135. Senators Wilson, Canfield and Donohue: Providing an assessment on each meat food animal to support the livestock disease diagnostic service. ....	79	283	382, 395	398, 637	332	398, 637	SCR 17	.....	.....	.....
136. Senators Henry and Huntley: Regulating the use of blue lights on emergency vehicles. ....	79	333	414	415, 637	.....	415, 638	SCR 17, 1676	1750	1804	Signed p. 2021 Ch. 92 Ex.
137. Senators Fleming, Andersen and Stortini (by departmental request): Providing a change in the law relating to lost instruments. ....	80	320	421	421, 638	112	421, 638	SCR 17, 1145	1162	1348	Signed p. 1546 Ch. 54 Ex.
138. Senators Whetzel, Francis and Murray: Authorizing the state highway commission to snow plow parking areas at public recreation lands. ....	80	786	.....	.....	.....	.....	.....	.....	.....	.....
139. Senators Mardesich, Walgren and Whetzel (by Legislative Council request): Providing for county planning of sewer and water facilities. ...	80	1017	.....	.....	1158	.....	.....	.....	.....	.....
139. (SUBSTITUTE) Committee on Cities, Towns and Counties: Providing for county planning of sewer and water facilities. ....	.....	.....	1159	1159	1549	1159	1548, 1679	1819	1875	Signed p. 2021 Ch. 96 Ex.
140. Senators Stortini, Washington, Ridder and Donohue: Providing a prohibition against showing certain motion pictures or previews thereof to persons under the age of nineteen. ....	80	935	.....	.....	.....	.....	.....	.....	.....	.....

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141. Senators Huntley, Peterson (Lowell) and Talley: Permitting minors under fourteen to use firearms when properly supervised. ....	80	226	268	268	.....	268	573	573	586	Signed p. 754 Ch. 34
142. Senators Murray, Talley and Peterson (Ted): Authorizing the director of fisheries to permit fish farming. ....	80	236	297	.....	297	.....	.....	.....	.....	.....
142. (SUBSTITUTE) Committee on Natural Resources, Fisheries and Game: Authorizing the director of fisheries to permit fish farming. ....	.....	.....	297	298	.....	298	573	573	586	Signed p. 754 Ch. 35
143. Senators Guess, Washington and Donohue (by departmental request): Providing for the sale of highway contract plans. ....	80	189	193	193	.....	194	573	573	586	Signed p. 754 Ch. 36
144. Senators Washington, Henry and Huntley (by departmental request): Providing for the segregation of taxes when property is acquired by a governmental unit. ....	80	497	939	939	.....	940	1304	1819	1875	Signed p. 2022 Ch. 260 Ex.
145. Senators Peterson (Ted), Knoblauch and Wilson (by departmental request): Providing certain powers and duties to the secretary of the department of social and health services relating to veterans' affairs. ....	81	185, 1478	.....	.....	185	.....	.....	.....	.....	.....
146. Senators Holman, Day and Metcalf (by Uniform Law Commission request): Establishing a Uniform Controlled Substances Act. ....	81	410	.....	.....	422	.....	.....	.....	.....	.....





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152. Senators Fleming, Whetzel, Ridder and Dore: Creating child care centers in Class AA and Class A counties. ....	82	374, 604	1273	1273	374	1274	.....	.....	.....	.....
153. Senators Odegaard, Francis and Woodall (by departmental request): Providing credit for time served for imprisonment. ....	82	419	940	940	.....	940	1399	1399	1445	Signed p. 2021 Ch. 86 Ex.
154. Senators Holman, Dore and Gissberg: Providing that interest on delinquent taxes be credited to the governmental unit levying the tax. .	86	.....	.....	.....	.....	.....	.....	.....	.....	.....
155. Senators Guess, Huntley and Washington (by Joint Committee on Highways request): Limiting release of motor vehicle information. ....	86	.....	.....	.....	.....	.....	.....	.....	.....	.....
156. Senators Guess, Donohue, McDougall and Peterson (Lowell): Providing for the licensing and regulation of snowmobiles. ....	86	320	403	404, 639	958	404, 639, 958	SCR 17, 958	965	996	Signed p. 1071 Ch. 29 Ex.
157. Senators Talley, Knoblauch and Whetzel (by departmental request): Providing certain changes in the law relating to the mentally ill.	86	123, 375	194	.....	194, 223	.....	.....	.....	.....	.....
157. (SUBSTITUTE) Committee on Public Institutions: Providing certain changes in the law relating to the mentally ill. ....	.....	.....	463	463	.....	463	573	573	586	Signed p. 755 Ch. 82

158. Senators Ridder, Peterson (Ted) and Knoblauch (by Joint Committee on Education request): Changing monthly apportionment schedule for funds going from state general fund to school districts. ....	86	215, 1541	266	266	591	266, 591	590	.....	.....	.....
159. Senators Francis, Peterson (Ted), Ridder and Fleming (by Joint Committee on Education request): Providing for certification of school district enrollment estimates by superintendent of public instruction. ....	86	215	.....	.....	.....	.....	.....	.....	.....	.....
160. Senators Wilson, Peterson (Ted) and Odegaard: Changing basis of weighing of votes for state board of education members. ....	86	185	278	278, 639	.....	278, 639	SCR 17	.....	.....	.....
161. Senators Talley, Mardesich and Lewis: Authorizing relocation of harbor lines in front of Kalama and Everett. ....	87	481	683	683	683	684	.....	.....	.....	.....
162. Senators Canfield, Wilson, Jolly, McDougall, Matson and Henry: Providing for collective bargaining between employees and boards of irrigation districts. ....	87	.....	.....	.....	.....	.....	.....	.....	.....	.....
163. Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request): Providing for acceptance of ID besides the Washington state liquor ID card. ....	87	420	459	459, 640	755	459, 640, 755	SCR 17, 755	773	804	Signed p. 926 Ch. 15 Ex.
164. Senator Bailey: Providing for the undergrounding of utility wiring. ....	87	729	869	870	.....	870	1826	2000	2004	Signed p. 2022 Ch. 103 Ex.
165. Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request): Providing for inspection of certain records of the liquor control board by authorized agents of the department of revenue. ....	87	.....	.....	.....	.....	.....	.....	.....	.....	.....

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166. Senators Day, Woodall and Greive (by Joint Committee on Governmental Cooperation request): Providing for concurrent jurisdiction of state liquor board and local governments over licensing of entertainment. ....	88									
167. Senators Holman, Dore and Whetzel (by Secretary of State request): Creating the office of ombudsman. ....	88									
168. Senators Wilson, Stender, Talley and Francis: Permitting tentative school district preliminary budgets when awaiting appropriations by legislature as to amount of state aid available.....	88	215, 1480, 1623	256, 276, 281	281, 640	257, 277, 1213, 1292, 1481, 1624, 1644	281, 640, 1644	SCR 17, 1213, 1292, 1480, 1623	1750	1804	Signed p. 2022 Ch. 93 Ex.
169. Senators Bailey, Peterson (Ted) and Gissberg: Providing for post retirement adjustments under state teachers' retirement system. ....	88	786								
170. Senators Ridder, Peterson (Ted) and Foley (by departmental request): Providing for licensing of hotels and motels. ....	88	729	1310	1311		1811	1804	1819	1875	Signed p. 2023 Ch. 239 Ex.
171. Senators Durkan and Sandison: Appropriating funds for legislative expense. ....	88		89	89		89	109	110	124	Signed p. 132 Ch. 2
172. Senators Huntley and Washington (by departmental request): Providing for changes in the law relating to highway relocation payments. . .	92	248	462	462, 640		462, 640	SCR 17, 730	736	755	Signed p. 821 Ch. 9 Ex.



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182. Senators Wilson, Ellicker, Durkan, Henry, Balley, Atwood, Day, Donohue, Gissberg, Stender, Odegaard, Peterson (Lowell), Fleming, Foley, Peterson (Ted), Cooney, Holman, McDougall, Twigg, Knoblauch, Guess, Keefe, Washington, Newschwander, Metcalf and Talley: Authorizing the use of physicians' assistants. ....	93	541	733	733	973	734, 973	973	990	1012	Signed p. 1087 Ch. 30 Ex.
183. Senators Holman, Clarke and Ellicker: Requiring a claim for mechanics' and materialmen's liens to contain the address of claimant. ....	93	259, 1481, 1629	380	380, 641	1216, 1245, 1293, 1481, 1631	380, 641, 1631	SCR 17, 1245, 1292, 1481, 1629	1750	1804	Signed p. 2022 Ch. 94 Ex.
184. Senators Sandison, Ellicker and Talley: Authorizing the department of fisheries to protect certain mammals. ....	93									
185. Senators Walgren and Ellicker: Allowing sale of property by governmental units. ....	93	753, 1822	940	940	1487, 1687	941, 1822	1486, 1687, 1822	2000	2004	Signed p. 2023 Ch. 243 Ex.
186. Senator Walgren (by Washington Law Enforcement Officers' and Fire Fighters' Retirement Board request): Amending the law enforcement officers' and fire fighters' retirement system act. ....	93	481	1195, 1216, 1237	1238	1187, 1198, 1217	1238				
187. Senators Walgren, Peterson (Lowell) and Sandison: Making an appropriation to Olympic center. ....	93	679			679					

188. Senators Walgren, Andersen, Ridder and Day: Establishing physician's trained mobile intensive care paramedics. ....	93	541	737	737	1840	737, 1909	1840, 1909	2001	2004	Signed p. 2010 Ch. 305 Ex. P. V.
189. Senators Foley, Newschwander and Wilson (by departmental request): Changing the composition of the youth development and conservation committee and removing reenrollment limitation for youths. ....	105									
190. Senators Ridder, Fleming, Elicker and Atwood (by Public Pension Commission request): Consolidating the state-wide city employees' retirement system with the Washington public employees' retirement system. ....	106									
191. Senator Mardesch: Requiring energy absorption devices on passenger cars. ....	106									
192. Senators Scott, Ridder and Bailey: Providing for the regulation of nonpartisan elections. ....	106	1017	1235, 1238, 1248	1236, 1238, 1249 1906, 1909		1249	1905			
193. Senators Elicker, Peterson (Lowell) and Lewis: Creating a natural reserve area in the central San Juan islands. ....	106									
194. Senators Atwood and Guess: Changing the effective date of authorization to municipalities to levy a special motor vehicle tax. ....	106									
195. Senators Talley, Bailey and Woodall: Increasing the amount counties may expend for maintenance and operation of county historical museums. ....	106	320	408	408		408, 591	591	603	607	Signed p. 754 Ch. 39
196. Senators Odegaard, Sandison and Metcalf (by departmental request): Creating aid program for paroled, discharged prisoners and felons granted probation. ....	106	185	378	378, 641		378, 641	SCR 17, 954	960	973	Signed p. 1087 Ch. 31 Ex.

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197. Senators Stender, Matson, Herr and Day: Establishing rules of conduct for college students. ....	106	.....	.....	.....	.....	.....	.....	.....	.....	.....
198. Senators Foley, Bailey, Henry, Talley, Washington, Elicker, Canfield, Odegaard, Huntley, Day, McDougall, Francis, Metcalf, Gissberg, Atwood, Ridder and Walgren (by Secretary of State request): Providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat. ....	106	.....	.....	.....	.....	.....	.....	.....	.....	.....
199. Senators Murray, Walgren and Elicker: Clarifying ballot titles of initiative and referendum measures. ....	110	.....	.....	.....	.....	.....	.....	.....	.....	.....
200. Senators Murray, Day and Canfield: Permitting games of amusement. ....	110	.....	.....	.....	.....	.....	.....	.....	.....	.....
201. Senators Mardesich and Guess: Implementing fee schedule for state's colleges and universities as to post graduate work. ....	110	.....	.....	.....	.....	.....	.....	.....	.....	.....
202. Senators Peterson (Lowell), Metcalf and Mardesich: Making an appropriation for the operation of the state hospital at Sedro Woolley. ....	110	679	.....	.....	679	.....	.....	.....	.....	.....



203. <b>Senators Donohue, Walgren, Woodall and Canfield:</b> Providing appeals from board against discrimination hearings by political subdivisions. ....	110	520	726	727	.....	727	1145	1162	1348	Signed p. 1546 Ch. 52 Ex.
204. <b>Senators Canfield and Jolly:</b> Amending the law enforcement and firefighters' retirement system. ....	110	.....	.....	.....	.....	.....	.....	.....	.....	.....
205. <b>Senators Dore, Connor and Peterson (Ted):</b> Providing for changes in the treatment of alcoholism. ....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....
206. <b>Senators Holman, Dore and Connor:</b> Allowing waiver of witness requirements and waiting period in marriage of nonresidents and servicemen. ....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....
207. <b>Senators Rüdger, Peterson (Ted) and Knoblauch (by Joint Committee on Education request):</b> Changing weighting schedule for state aid to school districts. ....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....
208. <b>Senators Sandison, Durkan, Foley and Atwood:</b> Submitting budgets of four state colleges and state's universities to governor's control. ....	111	272	312	312, 641	.....	312, 642	SCR 17, 1161	1162	1183	Signed p. 1320 Ch. 40 Ex.
209. <b>Senators Day, Henry and Huntley:</b> Providing axle loads for garbage and refuse collection trucks. ....	111	520	700	701	.....	701	1826	2001	2004	Signed p. 2023 Ch. 244 Ex.
210. <b>Senators Fleming and Francis:</b> Prohibiting corporations from suing in small claims court.....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....
211. <b>Senators Fleming, Scott and Francis:</b> Establishing drug treatment centers and providing funding. ....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....
212. <b>Senators Fleming and Francis:</b> Permitting attorney general to represent certain plaintiffs in small claims court. ....	111	.....	.....	.....	.....	.....	.....	.....	.....	.....

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213. Senators Holman, Day and Woodall: Enacting the uniform consumer credit code. ....	124									
214. Senators Connor, Ridder and Peterson (Ted): Providing for approval of facilities, plans, and programs for alcoholism and allocating financial assistance. ....	124	820	1240	1240	1814	1240, 1814	1813	2001	2004	Signed p. 2011 Ch. 104 Ex. P. V.
215. Senators Connor and Peterson (Ted): Providing public assistance funds to persons suffering from alcoholism. ....	124	521								
216. Senators Atwood, Foley and Mardesich: Providing for the registration of escrow agents. ....	124	468								
216. (SUBSTITUTE) Committee on Judiciary: Providing for the registration of escrow agents. ....			493	493, 642	1837	493, 642, 1837	SCR 17, 1837	2001	2004	Signed p. 2023 Ch. 245 Ex.
217. Senators Ridder, McDougall and Mardesich: Abolishing need for post graduate students to pay incidental fees. ....	125									
218. Senators Twigg and Guess: Authorizing the issuance of revenue warrants under the municipal airports act of 1945. ....	125	497	677	677		678				

219. Senators Twigg and Guess: Providing authority for first class cities to exchange property for park purposes. ....	125	198	257	257, 642	757	257, 642, 757	SCR 17, 756	773	804	Signed p. 926 Ch. 16 Ex.
220. Senators McDougall, Huntley and Wilson: Providing that salaries of county officials and court reporters shall not be reduced due to population loss. ....	125									
221. Senators Odegaard, Canfield and Ridder (by Joint Committee on Education request): Revising formula for distribution of state aid to school districts. ....	125				598					
222. Senators Gissberg, Whetzel and Durkan: Providing for the contents of certain trust instruments to conform to requirements of the Internal Revenue Code of 1934. ....	125									
223. Senators Gissberg, Whetzel and Durkan: Prohibiting certain acts by private foundations. ....	125									
224. Senators Matson, Canfield, Woodall, Ridder and Francis: Protecting from publicity juveniles involved in crimes. ....	125	468								
225. Senators Lewis and Bailey (by departmental request): Providing for the internal organization of the department of commerce and economic development. ....	125									
226. Senators Woodall, Day, Matson and Twigg: Requiring the state to pay certain costs incurred in the condemnation of real estate for highway purposes. ....	125	481								
226. (SUBSTITUTE) Committee on Judiciary: Requiring the state to pay certain costs incurred in the condemnation of real estate for highway purposes. ....			699	699	689	699				

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227. Senators Holman and Washington (by departmental request): Providing for the limiting of liability of physicians or hospitals for the provision of emergency medical or hospital care. . .	126	272, 1441	448	448, 642	1081, 1091, 1185, 1186	448, 643	SCR 17, 1091	.....	.....	.....
228. Senators Francis, Elicker and Ridder (by departmental request): Providing for the control of pets capable of transmitting disease to man. .	126	259	295	295	.....	295, 593	593	603	607	Signed p. 755 Ch. 72
229. Senators Odegaard, Metcalf and Ridder (by Joint Committee on Education request): Permitting certain sales of goods by inmates of certain state institutions. ....	126	.....	.....	.....	.....	.....	.....	.....	.....	.....
230. Senators Ridder, Peterson (Lowell) and Mardesich: Prohibiting insurers from paying by reason of under insurance, less that the full amount otherwise due under a property insurance policy. ....	126	.....	.....	.....	.....	.....	.....	.....	.....	.....
231. Senators Newschwander, Day and McDougall: Expanding duties of dental hygienists. ....	126	497	675, 682	682	676	682	1621	1631	1677	Signed p. 2023 Ch. 235 Ex.
232. Senators Ridder, Keefe and Stender: Providing for the binding determination by mediation and arbitration of labor disputes between unformed personnel and their public employers. . .	126	303	424, 457, 458, 464	464, 909	424, 458, 465, 471	465, 910	.....	.....	.....	.....

233. Senators Newschwander, Day and McDougall: Relating to the practice of dentistry. ....	126	497	676	676	.....	676	1621	1631	1677	Signed p. 2023 Ch. 236 Ex.
234. Senators Walgren, Holman and Durkan: Estab- lishing standardized medical entrance require- ments for public officers. ....	126	.....	.....	.....	.....	.....	.....	.....	.....	.....
235. Senators Holman, Bailey and Scott (by Ceme- tery Board request): Regulating prearrange- ment contracts for burial services or merchan- dise. ....	126	1260	.....	.....	.....	.....	.....	.....	.....	.....
236. Senators Peterson (Lowell), Walgren, Herr and Connor: Providing for refunds of erroneously paid property taxes. ....	127	303	.....	.....	.....	.....	.....	.....	.....	.....
237. Senators Holman and Francis (by Judicial Council request): Establishing attorneys' fees in divorce cases. ....	127	248	432	432, 643	.....	432, 643	SCR 17	.....	.....	.....
238. Senator Francis (by Judicial Council request): Authorizing the supreme court to fix the salary of the court administrator. ....	127	.....	.....	.....	.....	.....	.....	.....	.....	.....
239. Senators Dore, Foley, Holman, Clarke and Francis (by Judicial Council request): Provid- ing for grand juries and criminal investiga- tions. ....	127	.....	.....	.....	.....	.....	.....	.....	.....	.....
240. Senators Francis and Holman (by Judicial Council request): Authorizing temporary leaves for prisoners of state correctional institutions...	128	.....	.....	.....	.....	.....	.....	.....	.....	.....
241. Senators Holman, Foley, Dore and Clarke (by Judicial Council request): Adding additional members to the judicial council. ....	128	215	371	371	.....	371, 585	584	590	607	Signed p. 754 Ch. 40
242. Senator Holman (by Judicial Council request): Establishing right to recovery in case of injury or death of a child. ....	128	.....	.....	.....	.....	.....	.....	.....	.....	.....



249. Senator Holman (by Judicial Council request): Adopting a uniform law on the rendition of accused persons. ....	129	420	491	491, 644	756	492, 644, 756	SCR 17, 756	773	804	Signed p. 926 Ch. 17 Ex.
250. Senator Francis (by Judicial Council request): Increasing the allowable fees collected by at- torneys for certain services. ....	129									
251. Senators Holman and Dore (by Judicial Coun- cil request): Increasing filing fees for the sup- port of county law libraries. ....	129									
252. Senators Holman and Foley (by Judicial Coun- cil request): Establishing when any statute of limitations is tolled. ....	129									
253. Senators Holman, Clarke and Francis (by Judi- cial Council request): Allowing the annual con- ference of judges to meet outside of this state. .	129									
254. Senators Peterson (Ted), Greive and Stortini: Relating to licensing of plumbers. ....	132	1181, 1183			132, 1183					
255. Senators Gissberg, Twigg and Cooney (by In- surance Commissioner request): Providing for loss distribution by comparative negligence in civil actions. ....	133									
256. Senators Stender, Connor and Fleming (by In- surance Commissioner request): Restricting use of abstracts of driving experience for insurance purposes. ....	133	1181	1427	1428		1428				
257. Senators Fleming, Mardesich and Murray (by departmental request): Providing certain changes in the advisory committee on vendor rates and in its powers and duties. ....	133	820	941	941		941	1399	1399	1445	Signed p. 2021 Ch. 87 Ex.
258. Senators Odegard, Elicker and Day: Correct- ing code to reflect transfer of powers of former state board of equalization. ....	133	717								

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259. Senators Odegaard, Holman and Wilson: Implementing law relating to tuition contracts of state's institutions of higher education. ....	133	896	942	943	.....	943	.....	.....	.....	.....
260. Senators Greive, Stender and Francis: Extending workman's compensation to retail clerks. ...	134	375	413	413, 644	.....	414, 644	SCR 17	.....	.....	.....
261. Senators Stender, Stortini, Ridder and Peterson (Ted) (by departmental request): Providing wage protection to employees. ....	134	375	462	462, 644	1153	463, 644, 1153	SCR 17, 1153	1162	1348	Signed p. 1545 Ch. 55 Ex.
262. Senators Donohue and Knoblauch (by departmental request): Implementing law relating to that tax on cigarettes, the proceeds from which go into the school building bond redemption fund. ....	134	303, 787	906	906	303, 1248	907	1248	1399	1445	Signed p. 2021 Ch. 70 Ex.
263. Senators Donohue and Knoblauch (by departmental request): Changing funding of veterans' bonuses. ....	134	303, 787	907	907	303	908	.....	.....	.....	.....
264. Senators Francis, Gardner, Keefe, Ridder and Dore (by Joint Committee on Education request): Providing financial aid to certain students attending elementary and secondary schools. ....	134	272, 334, 875	1354	1355	.....	1358	.....	.....	.....	.....



265. Senators Ridder, Dore, Canfield, Gardner, Metcalf and Herr (by Joint Committee on Education request): Providing that financial aid for part time students shall include those receiving ancillary services from school. ....	184	272, 334, 875											
266. Senators Metcalf, Talley, Woodall, Gardner, Ridder and Herr (by Joint Committee on Education request): Allowing school district joint purchasing agency to make certain purchases in cooperation with private schools. ....	184	272	294	294	295, 585	585	590	607				Signed p. 755 Ch. 26	
267. Senators Gardner, Metcalf, Ridder and Herr (by Joint Committee on Education request): Preserving seniority of teachers transferring from private schools in state to state's common school system. ....	185	770	1422	1425	1425								
268. Senators Dore, Holman, Francis, Gardner, Metcalf, Ridder and Herr (by Joint Committee on Education request): Providing service credit under teachers' retirement for employment within certain private school teaching. ....	185												
269. Senators Donohue, Woodall and Durkan: Pertaining to fire district levies. ....	185	468	870	870, 910	871, 1841	910, 1841	1841	2001	2004			Signed p. 2022 Ch. 105 Ex.	
270. Senators Greive, Talley and Stender: Providing for withdrawal of water districts. ....	135	320	417	418, 645	418, 645	SCR 17							
271. Senators Day, Peterson (Ted) and Greive (by Legislative Council request): Requiring physicians, when prescribing drugs by brand name, to include the generic or chemical names of such drugs. ....	185												
272. Senators Mardesich and Clarke (by Joint Committee on Governmental Cooperation and departmental request): Providing tax deferred annuity benefits for certain eligible employees. ....	185	1181, 1183			1183								



280. Senators Washington and Huntley (by Joint Committee on Highways request): Regulating motor vehicle noise. ....	140	248			369, 1029															
281. Senators Knoblauch, Henry and Huntley (by departmental request): Establishing physical control of a motor vehicle while intoxicated as a crime. ....	140																			
282. Senators Knoblauch, Henry and Huntley (by departmental request): Creating the presumption that certain mailed orders and notices are received by addressee thereof. ....	140					292														
283. Senators Gardner, Odegaard and Whetzel (by executive request): Establishing programs for furloughs for convicted felons. ....	140	420	1253	1253			1253													
284. Senators Bailey, Whetzel and Herr (by executive request): Permitting county road millage funds to be used for other services in unincorporated area of county. ....	140	468				506														
285. Senator Donohue: Providing for changes in the regulations concerning brand inspection. ....	140																			
286. Senator Donohue: Implementing professional contracts law for schools. ....	140	1069	1241	1241			1241													
287. Senator Donohue: Prohibiting the taking of female elk and deer for a three-year period. ...	140																			
288. Senators Bailey and Gardner (by Joint Committee on Governmental Cooperation request and by departmental request): Authorizing parks and recreation commission to call for new and higher bids in disposing of land not needed for park purposes. ....	140	260	313	313, 645	1835	645, 1836	313, SCR 17, 1835	2001	2004											

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294. Senators Greive, Lewis, Knoblauch, Sandison, Peterson (Ted), Talley, Gardner, Ridder, Herr, McCutcheon, Day, Connor, Odegaard, Dore, Keefe and Cooney (by Legislative Council request): Providing for the creation of the Washington industrial finance authority. ....	142											
295. Senators Newschwander, Elicker and Greive (by Joint Committee on Governmental Cooperation and departmental request): Authorizing board of health to set expiration dates for boarding homes, nursing homes, hospitals and private establishments. ....	142	820	1227	1227	1821	1228, 1822	1821	2001	2004		Signed p. 2023 Ch. 247 Ex.	
296. Senators Elicker and Foley (by departmental request): Providing for revaluation of real property for purposes of taxation. ....	142	429										
297. Senators Greive, Lewis, Knoblauch, Peterson (Ted), Day, Connor, Keefe and Odegaard (by Legislative Council request): Enacting a litter control act. ....	142											
298. Senators Washington, Peterson (Ted) and Dore: Requiring certain insurance coverage for employees of school districts and institutions of higher learning. ....	143	709	964, 988, 991, 1031	1034	965, 989, 992, 1029, 1034, 1038, 1905	1034, 1905	1904	2001	2004	Signed p. 2022 Ch. 269 Ex.		
299. Senators Washington, Huntley and Henry (by Joint Committee on Highways request): Regulating motor vehicles on highways. ....	143	680										
300. Senator Fleming: Prohibiting discrimination in apprenticeship program. ....	143	996			996							
301. Senators Greive, Lewis, Knoblauch, Peterson (Ted), Talley, Elicker, Cooney, Herr and Keefe (by Legislative Council request): Providing for tax deferrals to industry to encourage increased employment. ....	143											



308. Senators Knoblauch, Stortini and Peterson (Ted): Providing veterans with public employment preferences. ....	144	587	871, 889	889	872	889	.....	.....	.....	.....	.....
309. Senator Donohue: Providing certain requirements for school districts conducting excess levy elections. ....	144	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
310. Senator Donohue: Providing that counties may divert road fund moneys to the current expense fund. ....	144	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
311. Senator Foley: Adding to the definition of "housing project". ....	144	.....	144	145	196, 469	145	469, 501	506	523	p. 658 Vetoed	.....
312. Senators Henry, Washington, Atwood, Huntley and Guess: Providing for emergency protection and restoration of highways. ....	145	.....	145	146	.....	146	160	179	187	Signed p. 227 Ch. 4	.....
313. Senators Holman, Dore, Foley and Atwood (by Uniform Law Commission request): Enacting the uniform probate code. ....	151	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
314. Senators Holman, Peterson (Lowell) and Connor (by Joint Committee on Governmental Cooperation and departmental request): Providing for multiple land use of state-owned lands. ....	152	429	492, 503	504, 646	492, 1485	504, 646, 1485	SCR 17, 1483	1560	1621	Signed p. 2023 Ch. 234 Ex.	.....
315. Senators Gissberg, Andersen, Ridder, Cooney and Francis (by Attorney General request): Enacting a unit pricing act. ....	152	1120	.....	.....	.....	.....	.....	.....	.....	.....	.....
316. Senators Mardesich, Clarke and Foley: Enacting the mutual housing and environmental act of 1971. ....	152	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
317. Senators Metcalf, Dore, Peterson (Ted): Denying state reimbursement to school districts for certain compulsory bussing. ....	152	497	684, 745	750	687, 699, 722, 750, 768, 773	750	.....	.....	.....	.....	.....





324. Senators Francis, Gardner and Elicker (by Urban Affairs Council request): Providing for a population study council. ....	153	1017, 1160	.....	.....	.....	.....	.....	.....	.....
325. Senator Metcalf (by Joint Committee on Education request): Relating to education. ....	153	.....	.....	.....	.....	.....	.....	.....	.....
326. Senator Francis (by Joint Committee on Education request): Relating to education. ....	153	.....	.....	.....	.....	.....	.....	.....	.....
327. Senators Ridder and Stortini (by Joint Committee on Education request): Implementing interdistrict cooperation act of 1969. ....	154	334	.....	.....	.....	.....	.....	.....	.....
328. Senators Ridder, Murray and Fleming (by Joint Committee on Education request): Providing special levy relief for school districts. ...	154	.....	.....	.....	.....	.....	.....	.....	.....
329. Senators Sandison, Foley and Atwood: Implementing law relating to insurance and health care programs for public employees of institutions of higher education. ....	154	410	.....	.....	.....	.....	.....	.....	.....
330. Senators Ridder, Peterson (Ted), Washington, Andersen and Keefe (by Joint Committee on Education request): Providing state-wide system of public and instructional television. ....	154	.....	.....	.....	180	.....	.....	.....	.....
331. Senators Wilson and Donohue (by departmental request): Pertaining to taxation of leasehold estates. ....	154	.....	.....	.....	.....	.....	.....	.....	.....
332. Senators Talley, Sandison and Henry: Defining crime of dog and/or cat theft and creating penalties. ....	154	1017	1151	1152	.....	1152	.....	.....	.....
333. Senators Jolly, Peterson (Lowell), and Peterson (Ted): Establishing per diem and travel allowances for the game commission. ....	154	236	280	280, 647	.....	280, 647	SCR 17	.....	.....

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334. Senators Peterson (Lowell), and Stender and Herr (by departmental request): Designating the director of ecology as a member of IAC. . . .	154									
335. Senator Gissberg: Prohibiting the commercial taking of crawfish. . . . .	154	481	530	531, 647		531, 648	SCR 17 1826	2001	2004	Signed p. 2022 Ch. 106 Ex.
336. Senators Sandison, Peterson (Lowell) and Clarke (by Joint Committee on Governmental Cooperation request): Providing for the adjudication of the navigability of state waters. . . . .	154	429	504		492, 506					
337. Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request): Increasing amount of school trust lands that can be sold for a school site. . . . .	155									
338. Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request): Establishing a board on geographic names. . . . .	155	876	1104	1104		1104				

339. Senators Sandison, Peterson (Lowell) and Clarke (by departmental and Joint Committee on Governmental Cooperation request): Providing need capital for investment in natural resource management on granted lands and second class tide and shorelands. ....	155								
340. Senators Holman and Peterson (Lowell) (by Joint Committee on Governmental Cooperation and departmental request): Relating to rights of entry by department of natural resources employees. ....	155								
341. Senators Peterson (Lowell), Day and Connor (by Joint Committee on Governmental Cooperation and departmental request): Providing for forest fire protection. ....	155	787	944	945		945			
342. Senators Guess and Day: Excluding certain chiefs of police from civil service. ....	155								
343. Senators Metcalf, Wilson and Holman (by Secretary of State request): Implementing law relating to candidates' and voters' pamphlets. ..	155								
344. Senators Holman, Bailey, Lewis and Peterson (Ted) (by Secretary of State request): Regulating campaign contributions and expenditures and providing for the reporting thereof. ....	155								
345. Senators Greive, Lewis and Holman (by Secretary of State request): Permitting enumerated political activities by certain state employees under state civil service law. ....	156								
346. Senators Odegaard, Metcalf and Ridder (by Joint Committee on Education request): Relating to education. ....	156								
347. Senators Francis and Elicker: Regarding regulation of beauticians and manicurists. ....	176	994							

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348. Senators Day, Whetzel and Francis: Increasing penalties for violations of air and water pollution laws. ....	177									
349. Senators Atwood and Clarke: Disposing of cemeteries during township reorganization. ....	177	455								
350. Senators Day and Herr (by Joint Committee on Governmental Cooperation request): Providing protection for live wild animals. ....	177									
351. Senators Greive, Day and Herr (by Joint Committee on Governmental Cooperation request): Granting the power of approval of personal services contracts to the state capital committee. ....	177									
352. Senators Matson, Henry, Donohue and McDougall: Providing use tax exemption for certain motor vehicles and trailers. ....	177	455								
352. (SUBSTITUTE) Committee on Highways: Providing use tax exemption for certain motor vehicles and trailers. ....			495	495, 648		495, 648	SCR 17, 730	736	755	Signed p. 821 Ch. 11 Ex.
353. Senators Canfield and Jolly: Providing credit for certain prior service by law enforcement officers and fire fighters for the purposes of retirement. ....	177	481	946	946		946				

354. Senators Walgren, Holman and Durkan: Establishing minimum standards for law enforcement officers and fire fighters. ....	177	521	.....	.....	.....	.....	.....	.....	.....	
354. (SUBSTITUTE) Committee on State Government: Establishing minimum standards for law enforcement officers and fire fighters. ....	.....	.....	809	810	810, 1593	810,1593	1584	1631	1677	Signed p. 2022 Ch. 257 Ex.
355. Senators Peterson (Ted), Stortini, Stender and Ridder (by departmental request): Increasing fees for safe wiring labels. ....	177	.....	.....	.....	.....	.....	.....	.....	.....	
356. Senators Day, Whetzel and Ridder: Providing for the regulation of phosphorus content in soap and detergent. ....	178	.....	.....	.....	.....	.....	.....	.....	.....	
357. Senators Scott, Washington and Whetzel (by executive request): Enacting the Campaign Expenditures Reporting Act of 1971. ....	178	.....	.....	.....	.....	.....	.....	.....	.....	
358. Senators Scott, Washington and Walgren (by executive request): Requiring annual reports and monitoring fees from persons discharging waste into water or air and increasing civil penalties for pollution violations. ....	178	.....	.....	.....	.....	.....	.....	.....	.....	
359. Senators Odegaard, Wilson and Huntley: Relating to the apportionment of certain state funds. ....	178	.....	.....	.....	.....	.....	.....	.....	.....	
360. Senators Huntley, McDougall and Washington (by Joint Committee on Highways request): Establishing a highway classification board and providing for long range priority planning for all streets, roads and highways. ....	178	680	.....	1265, 1266	.....	.....	.....	.....	.....	
361. Senators Mardesich, Day and Huntley (by departmental request): Providing for comprehensive intrastate air transportation regulation. ..	178	.....	.....	.....	.....	.....	.....	.....	.....	



368. Senators Fleming, Ridder and Elicker (by Public Pension Commission request): Integrating retirement plan laws for state universities and state colleges. ....	187	787	1168	1168	.....	1169	1804	1819	1875	Signed p. 2022 Ch. 261 Ex.
369. Senators Henry, Washington and Huntley: Modifying warning equipment requirements for certain motor vehicles. ....	187	468	946	945	.....	945	1804	1819	1875	Signed p. 2022 Ch. 97 Ex.
370. Senators Mardesich, Henry and Atwood: Providing for parimutuel greyhound racing. ....	187				.....					
371. Senators Greive, Stortini, Connor, Stender, Peterson (Ted), Francis, Dore, Cooney, Ridder, Keefe, Mardesich, Bailey and Waigren: Enacting a "Washington State Labor Relations Act". .	188	709, 953	1903		.....	709, 1403, 1895, 1896, 1903, 1904				
372. Senators Ridder, Canfield and Stortini: Establishing a state recreation and fire protection trail system. ....	188	876			.....	927				
372. (SUBSTITUTE) Committee on Parks, Tourism, Capital Grounds and Veterans' Affairs: Establishing a state recreation and fire protection trail system. ....				927	927	1244 929, 1244	1244	1248	1286	Signed p. 1479 Ch. 47 Ex.
373. Senators Durkan, Mardesich and Stender: Providing for bidding on certain public works of state institutions of higher education and port districts. ....	188	729	1270	1271	.....	1271	1621	1631	1677	Signed p. 2022 Ch. 258 Ex.
374. Senators Durkan and Mardesich: Restricting hiring practice of institutions of higher education on building and construction work. ....	188				.....					
375. Senators Atwood, Francis and Gardner (by Governor's Commission for Youth Involvement request): Lowering the age to eighteen years from twenty-one for certain purposes. ....	188				.....					

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376. Senators Clarke, Gardner and Murray (by executive request): Controlling highway advertising. ....	189									
377. Senators Mardesich and Walgren: Filing of fee arrangements for special assistants to attorney general. ....	190	375								
378. Senator Mardesich: Providing for the acquisition of certain land by the state parks and recreation commission. ....	190									
379. Senators Mardesich, Elicker and Peterson (Ted): Requiring the inclusion of psychological services under certain insurance contracts. ....	190									
380. Senators Day, Woodall and Keefe: Providing for health care benefits in certain circumstances notwithstanding provisions of the insurance contract. ....	190	260	298	299, 648	695, 704, 711, 719, 822, 995	299, 649, 719	SCR 17, 691	786	755	Signed p. 821 Ch. 13 Ex. P. V.
381. Senators Day and Holman: Defining conspiracy as a crime under narcotic and dangerous drug laws. ....	190									
382. Senators Greive, Talley, Twigg, Mardesich and Clarke: Amending regulation of real estate brokers and salesmen. ....	190	1018	1104, 1148	1149	1111	1150				



383. Senators Holman, Guess and Day: Implementing law relating to community college bonding authority. ....	191		987, 729 1026, 1037	1027, 1037	988, 1028, 1037	1028, 1037	.....	.....	.....	.....
384. Senators Woodall and Twigg (by Legislative Council request): Enacting the Washington criminal code. ....	198	.....	.....	.....	.....	.....	.....	.....	.....	.....
385. Senators Day and Scott: Regulating and licensing massage parlors and masseurs. ....	198	.....	.....	.....	.....	.....	.....	.....	.....	.....
386. Senators Day, Dore and Canfield: Providing for an appropriation to supplement the public assistance medical care budget for nursing home care. ....	198	.....	.....	.....	.....	.....	.....	.....	.....	.....
387. Senators Gardner, Mardesich and Andersen (by executive request): Requiring probation reports by the department of social and health services. ....	198	375	.....	.....	.....	.....	.....	.....	.....	.....
388. Senator Atwood: Enacting the Unified County Services District Act. ....	199	.....	.....	.....	.....	.....	.....	.....	.....	.....
389. Senators Day, Woodall and Fleming: Establishing freedom of choice of health care services. ....	199	.....	.....	.....	.....	.....	.....	.....	.....	.....
390. Senators Gissberg and Holman: Providing that only decisions of the court of appeals which have precedential value shall be published. ....	199	375	.....	.....	422	.....	.....	.....	.....	.....
390. (SUBSTITUTE) Committee on Judiciary: Providing that only decisions of the court of appeals which have precedential value shall be published. ....	.....	.....	422	423	.....	423	573	573	586	Signed p. 755 Ch. 41
391. Senators Gissberg and Lewis: Validating plats or subdivisions notwithstanding defects in notice. ....	199	321	423	423, 649	1838	423, 649, 1838	SCR 17, 1838	2001	2004	p. 2012 Vetoed

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392. Senators Gissberg and Metcalf: Allowing inter-governmental transfers of surplus property without court order. ....	199	521	1241	1242	.....	1242	.....	.....	.....	.....
393. Senators Durkan, Dore, Mardesich, Herr and Peterson (Ted): Increasing the priority of materialmen's liens. ....	199	.....	.....	.....	.....	.....	.....	.....	.....	.....
394. Senators Durkan, Peterson (Lowell), Canfield, Woodall and Ridder: Establishing the Washington commission on Mexican-American affairs. ..	199	375	417	417, 649	959, 1161	417, 649, 1024	SCR 17, 959, 1024	1037	1071	Signed p. 1161 Ch. 34 Ex.
395. Senators Holman, Knoblauch and Metcalf (by Secretary of State request): Regulating certain activities of political parties. ....	199	.....	.....	.....	.....	.....	.....	.....	.....	.....
396. Senators Odegaard, Metcalf and Henry: Prescribing insurance or protection programs for common schools and higher education personnel, students and dependents. ....	199	521, 936, 942	.....	.....	936	.....	.....	.....	.....	.....
397. Senators Peterson (Ted), Day and Stortini: Providing for licensing of plumbers. ....	200	1112	.....	.....	200	.....	.....	.....	.....	.....
398. Senator Fleming: Prohibiting discrimination in employment by public contractors. ....	201	.....	.....	.....	201	.....	.....	.....	.....	.....



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406. Senators Peterson (Ted), Dore, Holman and Ridder: Providing four year terms for school directors in certain first class districts in class AA counties. ....	216									
407. Senators Newschwander, Knoblauch and Talley: Permitting increased payments to vendors for services for those on public assistance. ....	216									
408. Senators Newschwander, Knoblauch and Talley: Defining powers of committee on vendor's rates. ....	216	468	675	675	1823	675, 1823	1823	2001	2004	Signed p. 2012 Ch. 298 Ex. P. V.
409. Senator Donohue (by departmental request): Pertaining to excise taxes. ....	217	429, 1441								
410. Senators Matson, McDougall and Wilson: Providing for the regulation of horticultural plants. ....	217	272	433, 447, 458	433, 447, 459, 650	435, 447, 959	459, 650, 959	SCR 17, 959	965	996	Signed p. 1087 Ch. 33 Ex. P. V.
411. Senators Lewis, Henry, Woodall, Newschwander, Clarke, Guess, McDougall, Matson, Metcalf, Andersen, Donohue, Jolly, Day, Walgren, Mardesich, Keefe, Herr, Knoblauch, Talley, Stortini, Peterson (Lowell), Stender, Ridder, Connor, Twigg, Canfield, Holman and Odegaard: Regulating outdoor music festivals. ....	217	482	531	537, 650	.....	637, 650	SCR 17	.....	.....	.....







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436. Senators Walgren, Andersen and Newschwander: Placing juvenile drivers under the jurisdiction of any court for certain minor traffic violations. ....	229	1142	1242	1242	.....	1242	.....	.....	.....	.....
437. Senators Andersen, Walgren and Newschwander: Permitting fingerprinting and photographing of juveniles for certain offenses. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
438. Senators Walgren, Andersen and Newschwander: Authorizing magistrates to issue search warrants for any type of crime. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
439. Senators Andersen, Walgren and Newschwander: Regulating pawn brokers. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
440. Senators Walgren, Andersen and Newschwander: Permitting photographs of abused children. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
441. Senators Andersen, Walgren and Newschwander: Making it a crime to interfere with any court. ....	230	498	.....	.....	810	814	.....	.....	.....	.....
441. (SUBSTITUTE) Committee on Judiciary: Making it a crime to interfere with any court. ....	.....	.....	810	810	902, 1755, 1777	814, 1777	1751	1819	1875	Signed p. 2013 Ch. 302 Ex. P. V.
442. Senator Walgren: Establishing bail procedures. .	230	.....	.....	.....	.....	.....	.....	.....	.....	.....



443. Senator Walgren: Requiring board of prison terms and paroles to pay jail officials for detaining parole violators. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
444. Senators Scott, Francis and Murray (by executive request): Creating a department of transportation. ....	230	.....	.....	.....	.....	.....	.....	.....	.....	.....
445. Senators Matson, Jolly, McDougall and Huntley: Enacting a Washington State Agricultural Labor Relations Act. ....	237	.....	.....	.....	.....	.....	.....	.....	.....	.....
445. Senators Donohue, Henry, Jolly, Talley, Day, Peterson (Lowell), Bailey, Twigg, Canfield, Walgren, Mardesich, Odegaard, Wilson, Washington and Huntley: Regulating custom meat facilities. ....	237	429	.....	.....	.....	.....	.....	.....	.....	.....
446. (SUBSTITUTE) Committee on Agriculture and Horticulture: Regulating custom meat facilities. ....	.....	.....	452	453, 651	1622	453, 651, 1622	SCR 17, 1622	1819	1875	Signed p. 2022 Ch. 98 Ex.
447. Senators Gissberg, Andersen and Greive: Providing for publication and distribution of court of appeals reports. ....	238	283	370	370	.....	370, 586	586	590	607	Signed p. 755 Ch. 42
448. Senators Gissberg, Dore, Greive and Andersen: Providing for budget estimates of the court of appeals. ....	238	.....	.....	.....	.....	.....	.....	.....	.....	.....
449. Senators Gissberg, Andersen, Dore and Greive: Providing for appeals procedures to the court of appeals. ....	238	283	371	371, 651	1836	371, 651, 1836	SCR 17, 1836	2001	2004	Signed p. 2022 Ch. 107 Ex.
450. Senators Guess, Keefe and Henry: Providing penalties for violation of the conditions of an additional gross load special permit. ....	238	742	872	873	1844	873, 1845	1844	2001	2004	Signed p. 2023 Ch. 249 Ex.

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451. Senators Mardesich, Walgren and Newschwander: Licensing of gas appliance installation contractors. ....	238	1260								
452. Senator McDougall (by executive request): Creating uniform state-wide requirements for equipment, registration and operation of boats. .	238									
453. Senators Ridder, Talley and Matson: Providing for default in rent of two hundred dollars or less. ....	238									
454. Senator Francis: Requiring that all prescription medicine be labeled by name and dosage. ....	238	680	965	965	1681	965, 1681	1681	1819	1875	Signed p. 2022 Ch. 99 Ex.
455. Senator Francis: Providing that public assistance may not be denied solely because person is unable to obtain employment. ....	239									
456. Senator Durkan (by State Auditor request): Transferring certain statutory duties of the state auditor. ....	239	876	967	967		967				
457. Senator Durkan (by State Auditor request): Transferring certain statutory duties of the state auditor. ....	239	876	968	968		968				

458. Senators Day, Peterson (Ted), Francis, Cooney, Odegaard and Stender (by Urban Affairs Council request): Establishing a hospital rate commission. ....	240																			
459. Senator Francis: Prohibiting the hunting of privately owned animals. ....	240																			
460. Senator Francis: Regulating the importation of wildlife. ....	240																			
461. Senators Fleming and Scott: Prohibiting discrimination by certain class H license. ....	240																			
462. Senator Fleming: Limiting the use of firearms. .	240																			
463. Senators Washington and Huntley: Reducing the number of justices of the peace in Grant county from three to one. ....	249																			
464. Senators Washington and Huntley: Implementing law relating to school district organization. .	249	498	968	968	969															
465. Senators Andersen and Greive (by departmental request): Amending certain provisions for pilotage on Puget Sound. ....	249	498	706, 734, 735, 740, 799	799	707, 735, 741, 1685	799, 1685	1684	1819	1875											Signed p. 2015 Ch. 297 Ex. P. V.
466. Senators Talley, Atwood and Connor: Changing the compensation of port district commissioners. ....	249																			
467. Senators Henry, Washington and Huntley: Directing blood analysis of drivers and pedestrians killed in traffic accidents. ....	249	521	1234	1234	1807	1234, 1907	1807, 1907	2001	2004											Signed p. 2022 Ch. 270 Ex.
468. Senators Matson, Mardesich and Lewis: Providing that counties may elect an average base commitment rate for the subsidized probation programs. ....	249																			



474. Senators Fleming and Mardesich: Providing a change in the time limit on certain defenses to insurance contracts. ....	250	1142	.....	.....	.....	.....	.....	.....	.....
475. Senator Fleming: Eliminating deficiency judgments where collateral consists of consumer goods. ....	250	.....	.....	.....	.....	.....	.....	.....	.....
476. Senators Atwood and Fleming (by Joint Committee on Education request): Providing special levy relief for school districts. ....	250	.....	.....	.....	.....	.....	.....	.....	.....
477. Senators Greive, Washington, Bailey and Francis (by Lieutenant Governor request): Providing for open inspection of public records. ....	250	.....	.....	.....	.....	.....	.....	.....	.....
478. Senator Fleming (by Insurance Commissioner request): Implementing law relating to insurance and rates thereon. ....	250	1441	.....	.....	.....	.....	.....	.....	.....
479. Senators Durkan, Walgren and Henry: Providing for open state primary elections. ....	250	.....	.....	.....	.....	.....	.....	.....	.....
480. Senators Fleming and Mardesich: Providing that pre-existing disability provisions in insurance contracts shall be void under certain circumstances. ....	251	876	969	969	.....	969	.....	.....	.....
481. Senators Peterson (Lowell), Peterson (Ted) and Newschwander (by departmental request): Providing plans and procedures for emergency action to control air pollution. ....	251	.....	.....	.....	.....	.....	.....	.....	.....
482. Senator Fleming: Providing for additional buyer's remedies in certain retail installment sales. ....	251	.....	.....	.....	.....	.....	.....	.....	.....
483. Senators Elicker, Talley, Peterson (Lowell) and Sandison (by executive request): Providing measures to prevent and control pollution caused by the discharge of oil. ....	251	.....	.....	.....	.....	.....	.....	.....	.....



491. Senators Walgren, Fleming and Ridder (by Insurance Commissioner request): Describing when property insurance may be canceled. ....	261	1260	.....	.....	.....	.....	.....	.....	.....	
492. Senators Peterson (Ted), Matson and Woodall: Changing definition of retail sale for tax purposes. ....	261	.....	.....	.....	.....	.....	.....	.....	.....	
493. Senator Gissberg: Clarifying taxing powers of fire protection districts. ....	261	542, 787	1243	1243	542	1243	.....	.....	.....	
494. Senators Francis, Gardner and Holman: Providing for the regulation of naturopaths. ....	261	1142	1280	1283	1280, 1283	1283	.....	.....	.....	
495. Senators McDougall, Jolly and Day (by departmental request): Changing the department of agriculture to the department of agriculture and consumer services and changing the division of dairy and food thereof to the division of consumer services. ....	261	.....	.....	.....	.....	.....	.....	.....	.....	
496. Senators Gissberg and Woodall: Implementing law relating to homesteads, including awards in addition to or awards in lieu of. ....	261	321	416	416, 651	.....	416, 651	SCR 17, 730	736	765	Signed p. 821 Ch. 12 Ex.
497. Senators Henry and Washington: Providing that day labor may be used on minor county road projects. ....	261	.....	.....	.....	.....	.....	.....	.....	.....	
498. Senators Matson, McDougall and Francis: Regulating pesticides and establishing a control board. ....	262	.....	.....	.....	.....	.....	.....	.....	.....	
499. Senators Guess and Talley: Implementing the statutes on the state-wide city retirement system. ....	262	.....	.....	.....	.....	.....	.....	.....	.....	
500. Senator Francis: Eliminating sex distinction in state retirement system. ....	263	.....	.....	.....	.....	263	.....	.....	.....	





509. Senator Fleming: Creating the Washington State apprenticeship council. ....	265	876	.....	.....	.....	.....	.....	.....	.....	.....
510. Senators Durkan, Lewis and Bailey (by Insurance Commissioner request): Providing for insurance and health care programs for state employees and officials. ....	273	.....	.....	.....	.....	.....	.....	.....	.....	.....
511. Senators Day, McDougall and Odegaard: Permitting existing mental health facilities to operate as private establishments. ....	273	.....	.....	.....	.....	.....	.....	.....	.....	.....
512. Senators McDougall and Bailey: Setting out salaries of county officials. ....	273	455	1188	1191	.....	1191	1621	1631	1677	Signed p. 2023 Ch. 237 Ex.
513. Senators Washington, Murray and Ridder: Enacting the Beverage Container Control Act of 1971. ....	273	1816	.....	.....	1280	.....	.....	.....	.....	.....
514. Senators Holman, Whetzel and Francis (by departmental request): Enacting the uniform criminal extradition act. ....	274	498	739	739	1215	739, 1215	1215	1233	1262	Signed p. 1444 Ch. 46 Ex.
515. Senators Lewis, Jolly and McDougall: Clarifying property tax exemption for nursery stock. .	274	385, 521	735	735	.....	736	772	773	804	Signed p. 926 Ch. 18 Ex.
516. Senators Day, McDougall and Odegaard: Reducing the annual license fee for nursing home administrators. ....	274	.....	.....	.....	.....	.....	.....	.....	.....	.....
517. Senator Mardesich: Providing aid to the elderly. ....	274	.....	.....	.....	.....	.....	.....	.....	.....	.....
518. Senator Guess: Establishing student and faculty codes of conduct at state supported colleges and universities. ....	284	.....	.....	.....	.....	.....	.....	.....	.....	.....



525. <b>Senators Matson, Odegaard and McDougall (by departmental request):</b> Providing for the adoption of federal regulations concerning meat and poultry inspection. ....	284	420	1245	1246	1825	1246, 1825	1825	2001	2004	Signed p. 2022 Ch. 108 Ex.
526. <b>Senators Greive, Stender and Cooney:</b> Providing that sewer or water districts may provide term life insurance for employees or comissioners. ....	285	498	687	687	688	687	.....	.....	.....	.....
527. <b>Senator Talley:</b> Amending the family court law. ....	285	.....	.....	.....	.....	.....	.....	.....	.....	.....
528. <b>Senators Peterson (Lowell) and Talley:</b> Permitting obstructions in navigable waters. ....	285	.....	.....	.....	.....	.....	.....	.....	.....	.....
529. <b>Senators Greive, Cooney and Twigg:</b> Permitting the sale of distressed liquor. ....	285	1316	1613	1613	.....	1613	.....	.....	.....	.....
530. <b>Senators Ridder, Odegaard, Canfield and Jolly (by Superintendent of Public Instruction request):</b> Defining certain terms relating to vocational education. ....	285	499	1155	1155	.....	1155	.....	.....	.....	.....
531. <b>Senators Newschwander, Odegaard and Canfield (by Superintendent of Public Instruction request):</b> Providing for publication and sale of state common school code. ....	285	710	1249	1250	1682	1250, 1682	1681	1819	1875	Signed p. 2022 Ch. 100 Ex.
532. <b>Senators Odegaard and Peterson (Ted) (by Superintendent of Public Instruction request):</b> Implementing law relating to education. ....	285	.....	.....	.....	.....	.....	.....	.....	.....	.....
533. <b>Senators Ridder and Odegaard (by Superintendent of Public Instruction request):</b> Implementing law relating to vocational education. ..	285	.....	.....	.....	.....	.....	.....	.....	.....	.....
534. <b>Senators Ridder, Odegaard, Gardner, Jolly and Peterson (Ted) (by Superintendent of Public Instruction request):</b> Providing a vocational education act of 1971. ....	285	.....	.....	.....	.....	.....	.....	.....	.....	.....



541. Senators Andersen and Day (by departmental request): Providing for hearing officers for civil service employee appeals. ....	286																			
542. Senators Whetzel, Talley and Clarke: Providing that sewer districts may include within their boundaries parts of more than one county. ....	287	1018			1226															
542. (SUBSTITUTE) Committee on Cities, Towns and Counties: Providing that sewer districts may include within their boundaries parts of more than one county. ....					1226	1227	1823	1227, 1824	1823	2001	2004									Signed p. 2023 Ch. 272 Ex.
543. Senators Matson, Mardesich and Twigg: Requiring the legislative council to review agency rules and regulations and report to the legislature thereon. ....	287																			
544. Senator Bailey: Establishing a personal commercial fishing license. ....	287																			
545. Senators Peterson (Lowell), Peterson (Ted) and Durkan: Establishing the state environmental policy. ....	292	482	918	918	1809	919, 1809	1808	2001	2004											Signed p. 2022 Ch. 109 Ex.
546. Senators Durkan, Donohue, Woodall and Guess: Phasing out tax on business inventories. ....	292																			
547. Senator Mardesich: Providing for zoning to regulate buildings and usage in avalanche areas. ....	292	1018																		
548. Senators Mardesich, Walgren, Sandison and Ridder: Providing for changes in the regulation of employment agencies. ....	292																			
549. Senators Andersen, Atwood and Fleming (by executive request): Creating a commission to study legal aid to indigents. ....	292																			

















611. Senators Ridder, Peterson (Ted) and Twigg (by Department of Labor and Industries request): Providing for wage claim fees. ....	324	1316	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
612. Senators Henry, Lewis, Twigg and Connor: Removing the prohibition against the sale of intoxicating liquors on election days. ....	324	816	1100	1100	.....	1101	1826	2001	2004	Signed p. 2022 Ch. 112 Ex.	.....	.....
613. Senators Andersen, Greive and Twigg: Providing a method for computing justices' and judges' salaries. ....	324	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
614. Senators Day, Cooney, Peterson (Ted) and Newschwander: Providing vision health care services. ....	324	753	908	908	.....	909	.....	.....	.....	.....	.....	.....
615. Senators Day, Cooney and Peterson (Ted): Establishing freedom of choice for vision health care services. ....	324	753	1075	1076	.....	1076	.....	.....	.....	.....	.....	.....
616. Senators Day, Cooney and Peterson (Ted): Prohibiting discrimination by health care practitioners. ....	324	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
617. Senators Day, Cooney, Peterson (Ted) and Newschwander: Providing for health care vision services by optometrists. ....	324	877	931	931	.....	932	.....	.....	.....	.....	.....	.....
618. Senators Day, Cooney and Peterson (Ted): Allowing nonprofit corporations for medical care plans. ....	325	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
619. Senators Stortini and McDougall (by Department of Social and Health Services request): Relating to employee's records. ....	325	754	1035, 1012, 1030	1006, 1012, 1030	1006, 1012	1006, 1031	1399	1399	1445	Signed p. 2023 Ch. 255 Ex.	.....	.....
620. Senators Francis and Guess: Providing for proof of financial responsibility by applicants for motor vehicle licenses and motor vehicle operators' licenses and permits. ....	325	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....



629. Senators Henry, Washington and Huntley: Providing for the emergency protection and restoration of highways. ....	326	680	736	736	1489	737, 1489	1488	1560	1621	Signed p. 2022 Ch. 89 Ex.
630. Senators Connor and Ridder: Establishing requirements for transfer of ownership of motor vehicles. ....	326									
631. Senators Connor and Ridder: Providing for attorney's fees as costs in justice court civil actions. ....	326									
632. Senators Connor and Peterson (Ted): Amending certain parts of the white cane law. ....	326									
633. Senators Washington, Henry and Huntley: Permitting driver's license records to be available in criminal prosecutions. ....	326									
634. Senators Metcalf, Ridder and Holman: Allowing school district income tax. ....	326									
635. Senators McDougall, Peterson (Lowell) and Henry: Relating to advertising. ....	327	588	1170	1176	1167	1176	1399	1399	1445	Signed p. 2021 Ch. 62 Ex.
636. Senator Fleming: Providing for the retirement and pensions of the people of this state. ....	327									
637. Senators Sandison, Holman, Matson and Wilson: Providing for higher education. ....	327				927					
638. Senators Day and Holman (by executive request): Providing for comprehensive health planning. ....	327									
639. Senators Sandison, Holman and Clarke: Providing for issuance of general obligation bonds for indebtedness of Washington state building authority. ....	327									





648. Senators Durkan, Atwood and Dore (by Attorney General request): Creating the legal services revolving fund in the state treasury. ....	328	877	1006	1006	.....	1006	1399	1399	1445	Signed p. 2021 Ch. 71 Ex.
649. Senators Andersen and Bailey (by Department of Personnel request): Allowing Governor to set salaries for heads of advisory committees. ..	328	.....	.....	.....	.....	.....	.....	.....	.....	.....
650. Senators Mardesich, Gissberg, Holman and Elicker (by Department of Revenue request): Clarifying local sales and use tax. ....	329	1144	.....	.....	.....	.....	.....	.....	.....	.....
651. Senators Walgren, Connor and Twigg (by Department of Revenue request): Pertaining to interest upon inheritance tax escheat refunds. ..	329	.....	.....	.....	.....	.....	.....	.....	.....	.....
652. Senators Day, Guess, Fleming, Connor, Cooney, Woodall, Huntley, Newschwander, Matson, Holman and Twigg: Modifying the law on family support and child support by removing stepchildren therefrom. ....	329	420	.....	420	.....	.....	.....	.....	.....	.....
653. Senators Gissberg, Gardner, Scott, Peterson (Ted), Mardesich, Murray and Stender: Implementing school district professional negotiations act. ....	329	.....	.....	.....	.....	.....	.....	.....	.....	.....
654. Senator Mardesich: Providing for mandatory basic motor vehicle casualty insurance compensating certain losses without regard to fault. ...	329	.....	.....	.....	.....	.....	.....	.....	.....	.....
655. Senator Mardesich: Lengthening the commercial salmon fishing season in certain waters of the Straits of Juan de Fuca and Puget Sound.	329	.....	.....	.....	.....	.....	.....	.....	.....	.....
656. Senators Knoblauch, Lewis and Mardesich (by Insurance Commissioner request): Amending the law on the state fire marshal. ....	329	995	.....	1170	.....	.....	.....	.....	.....	.....



667. Senator Mardesich: Relating to utilities. ....	330																			
668. Senator Mardesich: Creating a joint committee on banking, insurance and transportation. ....	331	877	1101, 1136	1138	1104	1138														
669. Senator Mardesich: Relating to utilities. ....	331																			
670. Senator Mardesich: Relating to regulation of businesses and professions. ....	331																			
671. Senator Mardesich: Relating to the disposal of scrap vehicles. ....	331																			
672. Senator Mardesich: Relating to small loans. ....	331																			
673. Senator Mardesich: Providing for the regula- tion of investments and securities. ....	331																			
674. Senator Mardesich: Providing authorization to public utility districts to acquire, construct, maintain, operate and add to sewer systems. ...	331																			
675. Senator Mardesich: Providing for county sewer/water facilities. ....	331																			
676. Senators Stortini, Gardner and Huntley (by Aeronautics Commission request): Extending aviation fuel excise tax. ....	336																			
677. Senator Gissberg: Authorizing the deposit of trust moneys in public depositories. ....	336	541	951	951		952														
678. Senator Walgren: Amending the optional mu- nicipal code. ....	337	925			1076															
678. (SUBSTITUTE) Committee on Cities, Towns and Counties: Amending the optional municipal code. ....				1076	1076	1835	1076, 1835	1834	2001	2004										

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686. Senators Greive, Stortini, Stender, Bailey, Ridder, Peterson (Lowell), Dore, Odegaard, Jolly, Mardesich, Peterson (Ted), Gissberg, Durkan, Francis, Fleming, Herr, Connor, Washington, Walgren and McCutcheon: Making various changes in the industrial insurance law of this state. ....	337	729	825, 864	864	.....	865	.....	.....	.....	
687. Senator Wilson: Including fire fighters and law enforcement officers under workmen's compensation. ....	338	.....	.....	.....	.....	.....	.....	.....	.....	
688. Senators Ridder, Clarke and Scott: Removing certain medical benefits of fire fighters and law enforcement officers who have retired on account of service. ....	338	.....	.....	.....	.....	.....	.....	.....	.....	
689. Senators Clarke, Wilson and Gissberg: Limiting certain medical benefits of fire fighters and law enforcement officers for nonduty related sickness and injury. ....	338	.....	.....	411	.....	.....	.....	.....	.....	
690. Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott: Pertaining to metropolitan municipal corporations. ....	338	771	1073, 1116, 1133	1136	768, 1075, 1683	1136, 1683	1683	1819	1875	Signed p. 2016 Ch. 303 Ex. P.V.
691. Senators Greive, Andersen, Durkan, Holman, Connor, Whetzel, Washington, Murray and Scott: Authorizing local excise taxes for support of public transportation. ....	339	1368	1539, 1561	1564	1540	1564	1804	1819	1875	Signed p. 2016 Ch. 296 Ex. P. V.
692. Senators Wilson and Holman: Authorizing the state board of education to adopt rules and regulations to implement vocational education programs. ....	339	.....	.....	.....	.....	.....	.....	.....	.....	.....
693. Senators Greive, Lewis, Gardner and Peterson (Ted) (by executive request): Providing for investment tax credits in certain regions of the state. ....	339	.....	.....	.....	.....	.....	.....	.....	.....	.....



702. Senators Ridder, Knoblauch and Greive: Including lockouts and picket lines in the exemption for disqualification for unemployment compensation. ....	343	1619	.....	.....	.....	.....	.....	.....	.....
703. Senator Peterson (Ted): Relating to health care service contracts. ....	343	.....	.....	.....	.....	.....	.....	.....	.....
704. Senators Washington, Murray, Connor and Ridder: Creating the department of mass transportation and prescribing its powers and duties. ...	343	658	.....	343	.....	.....	.....	.....	.....
705. Senators Day, Cooney and Peterson (Ted): Providing tax exempt status for medical service corporations. ....	345	.....	.....	.....	.....	.....	.....	.....	.....
706. Senators Washington and Holman: Relating to eminent domain over parks and parklands. ....	345	1069	.....	.....	.....	.....	.....	.....	.....
707. Senators Washington and Huntley: Implementing law relating to motor vehicle fuel taxation. ....	345	.....	.....	.....	.....	.....	.....	.....	.....
708. Senator Talley: Providing for the regulation and preservation of food fish and shellfish resources. ....	345	.....	.....	.....	.....	.....	.....	.....	.....
709. Senator Dore: Providing for the regulation of practitioners of electrolysis. ....	345	.....	.....	.....	.....	.....	.....	.....	.....
710. Senators Ridder, Connor and Herr: Authorizing restrictions on the discharge of an employee of a fire district because of his residence outside the district limits. ....	345	521	1008	1008	.....	1008	1399	1399	1445
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711. Senators Atwood and Newschwander (by executive request): Creating a department of finance and business regulations. ....	345	.....	.....	.....	.....	.....	.....	.....	.....
712. Senator Walgren: Relating to alcoholic beverage control. ....	345	.....	.....	.....	.....	.....	.....	.....	.....

**TITLE AND HISTORY OF SENATE BILLS—Continued**

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House	Action by Governor
713. Senators Mardesich and Andersen: Authorizing mutual savings banks to accept certain demand deposits. ....	345									
714. Senator Talley: Relating to counties. ....	346									
715. Senators Day, Cooney and Peterson (Ted): Prohibiting discrimination by state agencies against chiropractors. ....	346									
716. Senators Stortini, Newschwander, Gardner and Knoblauch: Designating "State of Washington" as the official state march. ....	346	499								
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1. <b>Senators Peterson (Ted), Talley, Bailey, Metcalf, Durkan, Stender, Peterson (Lowell), Elicker, Dore, Ridder, Lewis, Murray, Knoblauch, Connor, Odegaard, Stortini, Donohue, Gardner, Fleming, Francis, Sandison, Greive, Matson, Twigg, Andersen, Woodall, Guess, McDougall, Scott, Atwood and Washington:</b> Requesting the United States government to extend the fisheries' jurisdiction of its coastline. ....	82		82	82	83	83	132	132	151
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18. <b>Senator Metcalf:</b> Calling for a convention to amend the Constitution of the United States. ....	1145							
19. <b>Senators Stortini and McDougall:</b> Requesting additional funds for the employment supplement program. ....	1145	1145	1145	1145	1145	1184	1187	1232

**TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS**

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
1. Senators Durkan, Donohue, Day, Henry, Knoblauch, Twigg, Keefe, Canfield, Wilson, Guess, Woodall, Herr, Peterson (Lowell), McCutcheon, Ridder and Talley: Proposing a constitutional amendment to establish the assessed valuation of real and personal property at twenty-five percentum of the true and fair value of such property. ....	35		36, 43	43	36	44, 443	442	443	469
2. Senator Huntley: Changing assessed valuation requirement to twenty-five percent. ....	36								
3. Senators Dore and Connor: Proposing amendment to Article 11, section 16 of the state Constitution to allow local government consolidation. ....	36								
4. Senators Huntley, Talley, Metcalf and Canfield: Limiting property taxes to one percent of true value. ....	36								
5. Senators Walgren, Twigg, Keefe, Bailey and Atwood (by Municipal Committee request): Authorizing lotteries. ....	36	215	235	235	469, 486	235, 487	469	501	523
6. Senators Washington, Henry, Bailey, McDougall, Ridder, Talley, Elicker, Gardner, Jolly, Odegaard and Donohue: Providing for state aid for industrial development, dispersion, and pollution control. ....	36								
7. Senators Francis, Scott, Ridder, Murray, Gardner and Greive: Repealing Article 2, section 40 (Amendment 18) of the Washington Constitution relating to highway funds. ...	36				89				

8. <b>Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request):</b> Submitting to qualified voters of state an amendment to the Constitution permitting county officer to hold office in two or more contiguous counties. . .	36	420	476	477	477, 503	477	.....
9. <b>Senator Washington:</b> Providing a constitutional amendment to lower the forty mill limit to twenty mills. ....	55	.....	.....	.....	.....	.....	.....
10. <b>Senators Whetzel, Talley, Peterson (Ted) and Cooney (by Legislative Council request):</b> Proposing constitutional amendment authorizing new form of "city and county" government. ....	55	.....	.....	.....	.....	.....	.....
11. <b>Senator Lewis:</b> Providing for a new pattern of succession to fill vacancy in governor's office. ....	71	.....	.....	.....	.....	.....	.....
12. <b>Senators Ridder, Francis, Stortini and Odegaard:</b> Removing constitutional prohibition against lotteries. ....	71	.....	.....	.....	.....	.....	.....
13. <b>Senators Lewis, Wilson, Washington, Greive, McCutcheon, Guess, Peterson (Lowell), Day, Odegaard and Atwood (by Legislative Council request):</b> Amending Constitution to authorize legislature to call special session for a specific purpose. ....	72	411	.....	.....	.....	.....	.....
13. <b>(SUBSTITUTE) Committee on Constitution, Elections and Legislative Processes:</b> Amending Constitution to authorize legislature to call special session for a specific purpose. ...	.....	.....	456, 457	457, 654	.....	458, 654	SCR 17
14. <b>Senators Lewis, Wilson, Metcalf, Washington, Greive, Jolly, Guess, Huntley, Peterson (Lowell), Newschwander, Day, Odegaard, Stortini, McCutcheon, Francis and Twigg (by Legislative Council request):</b> Amending the Constitution to authorize gubernatorial veto of entire sections and any appropriation item or items. ....	72	185	243, 245	246, 655	.....	246, 655	SCR 17
15. <b>Senators Woodall, Twigg, Greive and Cooney (by Legislative Council request):</b> Amending the Constitution to allow supreme court to temporarily fill vacancies in court of appeals. ....	83	.....	.....	.....	.....	.....	.....

**TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading, and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
16. Senators Dore, Clarke and Holman (by Judicial Council request): Amending the Constitution by repealing Article IV and adopting new Article IVA, relating to the judicial system. ....	94								
17. Senators Scott, Fleming and Elicker: Providing a constitutional amendment making public transportation systems eligible for highway funds. ....	107	1541							
18. Senators Murray, Day and Canfield: Authorizing bingo and lotteries for charity. ....	112								
19. Senator Metcalf: Providing for the retirement of all judges at age 70 and making a governor or legislator who has served 12 years of more ineligible for reelection. ....	112								
20. Senators Holman, Dore and Clarke: Providing a constitutional amendment to revise the judicial article of the state Constitution. ....	130								
21. Senators Elicker, Bailey and Walgren (by executive and Secretary of State request): Amending the Constitution to allow eighteen year old vote. ....	146								
22. Senators Greive, Knoblauch, Talley, Lewis, Keefe, Sandison, Ridder, McCutcheon, Fleming, Connor, Peterson (Lowell), Peterson (Ted), Gardner, Francis, Herr, Day, Odegaard, Washington and Cooney (by executive and Legislative Council request): Providing a constitutional amendment concerning loaning the credit of the state. ....	146	375, 1846	775, 930	778, 930	147, 723, 779, 790, 1717, 1778, 1846	779, 930	1716, 1777, 1846, 2004		

23. Senators Lewis, Atwood and Gissberg (by executive request): Authorizing the governor to make organizational changes in the executive branch. ....	202	.....	.....	.....
24. Senators McDougall, Newschwander and Matson: Increasing the number of required signatures for initiatives and referendums and abolishing the initiative to the legislature. ....	240	.....	.....	.....
25. Senators Stender, Herr and Metcalf: Authorizing an income tax. ....	251	.....	252	.....
26. Senators Sandison, Holman, Foley and Clarke (by State Finance Committee request): Allowing for contracting of debt by the state. ....	274	.....	.....	.....
27. Senators Elicker, Washington and Whetzel: Establishing constitutional reapportionment procedure. ....	287	.....	.....	.....
28. Senators Washington, Jolly and Holman: Making persons eighteen eligible to vote, contract, sue and be sued and making them responsible for their unlawful conduct. ....	298	.....	.....	.....
29. Senators Washington, Scott and Huntley: Amending the Constitution to allow certain organizations to conduct bingo games and to hold raffles. ....	311	.....	.....	.....
30. Senators Holman, Ridder and McDougall: Revising constitutional provisions pertaining to excess levies. ....	331	.....	.....	.....
31. Senators Clarke, Walgren and Holman (by Supreme Court request): Providing for a new judicial article in the Constitution. ....	362	.....	.....	.....
32. Senator Greive: Providing that local governmental units may use funds or credit to attract or expand industry. ....	362	.....	.....	.....
33. Senator Whetzel: Amending the Constitution to authorize the use of trust lands for recreation without cost to the state. ....	362	.....	.....	.....

**TITLE AND HISTORY OF SENATE JOINT RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
34. Senator Whetzel: Proposing constitutional amendment permitting state aid to students to provide for their education. ....	362				384				
35. Senator Mardesich: Authorizing taxes against port districts. ....	362								
36. Senators Knoblauch, Holman, Washington, Walgren, Francis and Stortini (by Secretary of State request): Ratifying the eighteen-year old voting rights amendment to the federal Constitution. ....	681	715	743	744	715, 761	744, 751	751	751	772
37. Senators Whetzel, Murray and Fleming: Amending the state Constitution to allow retired persons leasing residential property the same property tax exemption as is now granted to retired property owners. ....	902								
38. Senators Whetzel, Atwood and Bailey: Amending the state Constitution making it permissive for the legislature to set the salaries of county officers. ....	938	1182, 1912	1187	1187	1182, 1684, 1777, 1891, 1912	1187, 1912	1684, 1777, 1890, 1911	1997	2005
39. Senator Scott: Permitting income tax with certain restrictions. ....	1098								
40. Senators Holman and Durkan: Revising the tax structure of the state. ....	1114				1248				



**TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS**

NUMBER, AUTHOR AND SUBJECT	<i>Introduction, First Reading and Committee Referral</i>	<i>Report of Committee</i>	<i>Second Reading and Amendments</i>	<i>Third Reading</i>	<i>Other Action in Senate</i>	<i>Vote on Final Passage</i>	<i>Message From House</i>	<i>Signed by President of the Senate</i>	<i>Signed by Speaker of the House</i>
1. <b>Senators Gissberg, Durkan, Keefe, Peterson (Ted), Wood- all, Lewis and Cooney:</b> Commending upon retirement, Donald C. Sampson. ....	36	186							
2. <b>Senators Atwood, Foley and Canfield (by Legislative Budget Committee request):</b> Providing for a study of a single distribution method for funds for the common schools. ....	77	215	445	445	449	445	SCR 17, 1114	1116	1145
3. <b>Senators Mardesich, Atwood and Foley (by Legislative Budget Committee request):</b> Authorizing a study of com- munity college funds. ....	77	85	195	195, 448, 655	269, 449, 1215	448, 656, 1215	SCR 17, 1214	1216	1247
4. <b>Senators Metcalf, Ridder and Elicker (by Joint Committee on Education request):</b> Providing for study on agency responsibility in educating handicapped children. ....	156	334	494	494, 656	1843	494, 656, 1843	SCR 17, 1842	1997	2005
5. <b>Senators Atwood, Dore and Canfield:</b> Providing for re- view of community college program costs. ....	202	411	446	446, 656	449, 1148	446, 656, 1148	SCR 17, 1148	1162	1348
6. <b>Senators Canfield, Durkan, Foley, Odegaard and Knob- lauch:</b> Providing for study with recommendations for improvement of state's tax structure by legislative budget committee. ....	232								
7. <b>Senators Canfield, Durkan and Gardner:</b> Providing for a study of what constitutes ample provision for education by legislative budget committee and recommended meas- ures to assure such financing. ....	232	1142							

**TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President of the Senate	Signed by Speaker of the House
8. <b>Senators Metcalf, Knoblauch and Durkan:</b> Requesting legislators to attend a candlelight service in the capitol rotunda in support of American POW'S. ....	241	.....	241	241	241	241	260	266	284
9. <b>Senators Durkan and Lewis:</b> Continuing the temporary forest tax committee. ....	241	284	415	416	.....	416	455	455	488
10. <b>Senators Ridder, Peterson (Ted), Francis, Scott, Whetzel, Matson, Washington, Murray, Metcalf, Walgren, Fleming, Odegaard, Huntley, Holman and Stortini:</b> Authorizing a study of day care services. ....	293	411	446	446, 656	449	446, 657	SCR 17, 617	.....	.....
11. <b>Senators Metcalf, Ridder and Holman:</b> Directing a study of trails for nonmotorized recreational users. ....	311	1369	.....	.....	.....	.....	.....	.....	.....
12. <b>Senators Francis, Gardner, Ridder, Metcalf, Holman, Scott and Odegaard:</b> Providing for a study of ecology curricula. ....	311	571, 936, 1010	1154	1154	489, 936	1154	1676	1750	1804
13. <b>Senators Greive, Bailey and Lewis:</b> Adopting the joint rules of the forty-second session of the legislature. ....	364	.....	364, 366, 393	396	367, 470, 486	396, 486	470	501	523
14. <b>Senators Holman, Ridder and Washington:</b> Directing the legislative council to make a study of taxing districts. ....	362	.....	.....	.....	.....	.....	.....	.....	.....
15. <b>Senator Gardner:</b> Directing a study of oil tankers and oil spills in Puget Sound. ....	362	1369	.....	.....	.....	.....	.....	.....	.....
16. <b>Senators Francis and Gardner:</b> Authorizing a study relating to community schools. ....	362	788	1252	1252	.....	1252	.....	.....	.....

17. Senators Bailey, Greive, Atwood and Andersen: Establishing rules for consideration of bills. ....	400	.....	400, 403	400, 403	400, 403, 442	403	442	484	488
18. Senators Washington, Jolly, Huntley, Foley, Greive, Bailey, Atwood, Andersen, Knoblauch, McDougall, Elicker and Wilson: Designating Miss Nancy Kay Peterson, Miss Washington, as this state's honorary hostess. ....	484	.....	484	484	.....	484	501	507	523
19. Senators Bailey and Atwood: Providing for reintroduction of bills and adopting the joint rules. ....	626	.....	626	626	.....	626	659	659	691
20. Senators Metcalf, Francis and Peterson (Lowell): Authorizing a study of the protection of animals. ....	696	896	1029	1029	.....	1029	.....	.....	.....
21. Senators Durkan, Atwood and Foley: Directing a study by the legislative budget committee of the funding of retirement systems. ....	712	.....	.....	.....	.....	.....	.....	.....	.....
22. Senators Atwood, Durkan and Foley: Directing the legislative budget committee to study state participation in the financing of fire protection costs. ....	712	.....	.....	.....	.....	.....	.....	.....	.....
23. Senators Odegaard, Gardner, Metcalf, Ridder, Newschwander and Francis: Providing for study of vocational education needs and capabilities. ....	769	1036	1463	1463	.....	1463	1826	1997	2005
24. Senator Guess: Permitting the consideration of a bill to correct a manifest clerical error. ....	823	.....	823	823	.....	823	879	880	902
25. Senator Durkan: Requiring a study of the feasibility of the four day, ten hour per day work week. ....	939	.....	939	939	.....	939	.....	.....	.....
26. Senators Donohue, Durkan and Wilson: Creating the Agriculture Tax Reform Committee. ....	959	1113, 1199	.....	.....	.....	.....	.....	.....	.....
27. Senators Holman, Fleming and Elicker: Directing a study of marriage and divorce laws. ....	1024	.....	.....	.....	.....	.....	.....	.....	.....
28. Senators Greive, Woodall and Washington: Creating a joint committee on governmental cooperation. ....	1098	1261	1366	1366	1996	1366, 1996	1996	1997	2005

## TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS—Continued

NUMBER, AUTHOR AND SUBJECT	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage	Message From House	Signed by President Of the Senate	Signed by Speaker Of the House
29. Senators Walgren and Twigg: Establishing municipal committee as an interim committee of the Legislature. ....	1166	1261	1366	1366	1996	1366, 1996	1996	1997	2005
30. Senators Dore and Peterson (Ted): Creating an interim tax committee. ....	1320	1805	.....	.....	1352	.....	.....	.....	.....
31. Senators Peterson (Lowell), Peterson (Ted) and Metcalf: Creating the interim committee on fisheries, game, and game fish. ....	1445	.....	1445, 1468	1445, 1468	1445, 1996	1468	1996	1997	2005
32. Senator Mardesich: Creating a joint interim committee on banking, insurance and utility regulation.	1820	.....	1821	1821	.....	1821	1996	1997	2005

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS**

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
1. <b>Senators Greive and Atwood:</b> Adopting temporary rules of the Senate. ....	9					10 Adopted
2. <b>Senators Bailey and Peterson (Ted):</b> Notifying House that Senate is organized. .	10					10 Adopted
3. <b>Senator Henry:</b> Extending courtesies of the Senate to former presidents, members and secretaries. ....	10					10 Adopted
4. <b>Senators Sandison and Newschwander:</b> Weekly payment of members and employees, authorizing necessary supplies, equipment and materials. ....	10					10 Adopted
5. <b>Senator Greive:</b> Requesting action to bring Buffalo Bills football club to state of Washington. ....	37				37	With- drawn
6. <b>Senator Bailey:</b> Amending Senate temporary rules. ....	46					46 Adopted
7. <b>Senators Fleming and Francis:</b> Honoring Martin Luther King's birthdate. ....	56					58 Adopted
8. <b>Senators Durkan, Jolly and Canfield:</b> Requesting reconsideration of fund cuts of the "K" and "N" reactors at Hanford. ....	137					137 Adopted
9. <b>Senators Knoblauch, Stortini and Peterson (Ted):</b> Directing national cemetery establishment study by legislative budget committee. ....	221				222	

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	First Reading or Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
10. Committee on Rules and Joint Rules: Amendments to Senate rules. ....	203	.....	203, 220-221, 232-234	.....	203-213	234 Adopted
11. Senator Durkan: Requesting federal loan program for potato producers. ....	241	.....	.....	.....	.....	241 Adopted
12. Senators Dore, Connor, Stortini, Peterson (Ted), Ridder, Fleming, Greive, Durkan, Andersen, Walgren, Henry, Holman and Clarke: Expressing appreciation to KIRO-TV for telethon benefitting hospitals. ....	242	.....	.....	.....	.....	242 Adopted
13. Senators Mardesich, Metcalf and Glssberg: Recognizing Lynnwood Rotary International Air Fair as official state air show. ....	265	.....	.....	.....	.....	265 Adopted
14. All 49 Senators: Honoring the memory of Abraham Lincoln. ....	276	.....	.....	.....	.....	276 Adopted
15. Senators Guess, Huntley and Donohue: Asking the President to call upon Congress to appropriate funds through July 1, 1971 for Lower Granite Dam. ....	301	.....	.....	301	.....	.....
16. Senators Keefe, Glssberg, Mardesich, and Metcalf: Expressing appreciation and congratulations to Bob Barker, television personality. ....	319	.....	.....	.....	.....	319 Adopted
17. Senators Guess, Donohue and Huntley: Requesting President to call upon Congress for supplemental appropriation for completing Lower Granite Dam. ....	391	.....	.....	.....	.....	391 Adopted

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18. Senators Andersen, Atwood, Canfield, Clarke, Elicker, Guess, Holman, Huntley, Lewis, McDougall, Matson, Metcalf, Murray, Newschwander, Peterson (Ted), Scott, Stender, Twigg, Whetzel and Woodall: Condemning Young Democrats action promoting legalization of possession and use of marijuana. ....	391	391, 393	.....
19. Senators McDougall, Matson, Newschwander, Wilson and Donchue: Complimenting Wenatchee area citizens for their contribution to the state. ....	431		431 Adopted
20. Senators Henry and Holman: Requesting bill designed to provide extrahazardous industrial compensation coverage to those attending Vice President Agnew's golf games. ....	432		432 Adopted
21. Senators Odegaard and Metcalf: Requesting Governor designate first week in August of each year as Skin Divers' Week. ....	489		489 Adopted
22. Senators Dore, Bailey, Greive, Ridder, Durkan, Woodall, Guess, Peterson (Ted), Lewis, Canfield and Andersen: Directing preparation and distribution to legislature of publication containing names, position and salaries of all state officers and employees. ....	490		491 Adopted
23. Senator Bailey: Congratulating Ocosta Wildcats for recent state class A basketball championship. ....	569		569 Adopted
24. Senators Bailey and Atwood: Providing for completion of work of Senate after adjournment and during interim period. ....	613		613 Adopted
25. Senator Greive: Notifying House that Senate is ready to adjourn <i>SINE DIE</i> . ....	618	618, 619	618 Adopted
Ex. 26. Senators Greive and Andersen: Adopting temporary rules of extraordinary session. ....	626		626 Adopted
Ex. 27. Senators Bailey and Atwood: Regular session officers, committee members to constitute extraordinary session officers and committees. ....	627		627 Adopted
Ex. 28. Senators Greive and Andersen: Informing House that Senate is organized and ready to transact extraordinary session business. ....	627	627	627 Adopted
Ex. 29. Senators Stortini, Gardner, Knoblauch, McCutcheon and Newschwander: Congratulating Tacoma community college Titans basketball team. ....	627		627 Adopted

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
Ex. 30. Senators Keefe and Woodall: Commending Lieutenant Governor Cherberg's conduct in presiding over joint session of welcome for Vice President Agnew. ....	697					697 Adopted
Ex. 31. Senators Gardner, Stortini, Knoblauch, Newschwander, Lewis and McCutcheon: Honoring University of Puget Sound Loggers basketball team on winning Far West regional title. ....	697					697 Adopted
Ex. 32. Senators Bailey, Greive, Atwood and Andersen: Adopting Senate permanent rules for first extraordinary session. ....	712					712 Adopted
Ex. 33. Senators Fleming, Guess, Dore, Woodall, Henry, Ridder, Foley, Twigg, Atwood, Andersen, Talley, Lewis and Matson: Memorializing full and useful life of Whitney M. Young, Jr. ....	713					713 Adopted
Ex. 34. All 49 Senators: Mourning death of Thomas E. Dewey, former governor of New York and Republican presidential candidate. ....	721					721 Adopted
Ex. 35. Senators Knoblauch and Woodall: Mourning death of former state senator H. N. (Barney) Jackson. ....	721					722 Adopted
Ex. 36. Senators Knoblauch, Gardner, McCutcheon, Newschwander and Stortini: Complimenting Puyallup Valley daffodil festival royal court. ....	732				732	732 Adopted
Ex. 37. Senators Knoblauch, Woodall, Peterson (Ted), Henry, Connor, Clarke, Stender, Whetzel, Guess, McDougall, Foley, Lewis, Ridder and Twigg: Mourning death of Harrie O. Bohlke. ....	780					780 Adopted
Ex. 38. Senators Walgren and Twigg: Directing study relating to establishment of a state fire service commission. ....	781					781 Adopted



Ex. 39. Senators Andersen, Elicker, Newschwander: Rescinding Washington State University contract to provide Senate with research relating to redistricting. ....	759	762, 782, 783	762 Not Adopted
Ex. 40. Senators Elicker, McDougall and Metcalf: Expressing appreciation of support of SST program by President Nixon and Senators Magnuson and Jackson. ....	781		781 Not Adopted
Ex. 41. Senators Keefe, Greive, Guess, Durkan, Metcalf and Whetzel: Paying tribute to Greek people on occasion of one hundred fiftieth anniversary of Greek independence. ....	791		791 Adopted
Ex. 42. Senators Stortini, Ridder, Durkan, Dore, Walgren, Sandison, Gardner, Odegaard, Washington, Fleming, Metcalf, Francis, Lewis, Murray and Holman: Expressing appreciation to legislative interns. ....	791		791 Adopted
Ex. 43. Senator Knoblauch: Commending Puyallup Vikings high school basketball team on winning class AAA championship. ....	789		789 Adopted
Ex. 44. Senators Henry and Woodall: Requesting political writers to refrain from covering incidents in which they have proprietary interest. ....	866		867 Adopted
Ex. 45. 48 members: Extending sympathy to Senator Foley and family on death of Mrs. Pearl Foley, mother of the Senator. ....	884		884 Adopted
Ex. 46. Senators Durkan, Bailey, Metcalf, Walgren and Sandison: Requesting study by legislative budget committee of civil service exempt position categories and salary setting procedures. ....	1013	1013	1013 Adopted
Ex. 47. Senators Day, Talley and Peterson (Ted): Requesting study by legislative council of entire services to the blind program. ....	1115		1115 Adopted
Ex. 48. Senators Jolly and Washington: Requesting immediate institution of potato diversion program. ....	1131		1131 Adopted
Ex. 49. Senators Stender and Talley: Directing legislative council to study field of pressure vessel construction, maintenance and inspection and review practice of inspecting ordinary hot water tanks. ....	1146	1146	1146 Adopted

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

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NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
Ex. 50. Senators Durkan and Atwood: Requesting continuation of study by legislative council of deposit practices of public agencies. ....	1161					1161 Adopted
Ex. 51. Senators Metcalf, Gissberg, Mardesich and Walgren: Commending Mrs. Dorothy J. Bennett for achievements in education and natural resources. ....	1161					1161 Adopted
Ex. 52. Senators Sandison, Twigg and Huntley: Requesting study by Joint Committee on Higher Education on plan for deferred tuition and fees payment plan. ....	1185					1185 Adopted
Ex. 53. Senators Newschwander, Canfield, Atwood, Durkan, Mardesich, Dore, Andersen and Foley: Extending thanks to Ellen C. Gerth for devotion to legislative duties. ..	1216					1216 Adopted
Ex. 54. Senator Talley: Requesting Railpax to schedule additional stop at Kelso. ....	1232					1232 Adopted
Ex. 55. Senator Gissberg: Requesting study by legislative council of S.B. No. 904 and its effect in furthering society's interest. ....	1248					1248 Adopted
Ex. 56. Senators Day and Peterson (Ted): Requesting study by legislative council of health care, hospital and related costs. ....	1286					1286 Adopted
Ex. 57. Senators Dore, Ridder, Knoblauch, Sandison, McCutcheon, Keefe, Peterson (Ted), Huntley, Washington, Greive, Cooney and Atwood: Commending James E. Casey on lifetime of service and devotion. ....	1294					1294 Adopted
Ex. 58. Senators Andersen, Atwood, Newschwander, Scott and Metcalf: Amending Senate rules to provide for appointment of interim committees from list of members designated by caucuses. ....	1287				1287	Failed

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Ex. 59. Senators Day, Odegaard and Peterson (Ted): Requesting study by legislative council of hearing aid selling practices. ....	1321	1321	Adopted
Ex. 60. Senators Day, Peterson (Ted), Odegaard and Jolly: Requesting study by legislative council of electrolysis practices and standards. ....	1321	1322	Adopted
Ex. 61. Senators Day and Scott: Requesting study by legislative council of massage parlor practices and health standards. ....	1322	1322	Adopted
Ex. 62. Senator Durkan: Requesting all tax supported entities to set priority limiting employment to citizens of Washington state. ....	1322	1323	Adopted
Ex. 63. Senators Ridder and Fleming: Directing a study be made by State Public Pension Commission of feasibility of combining Public Employees' and Teachers' Retirement systems. ....	1323	1324	Adopted
Ex. 64. Senators Keefe, Talley, Knoblauch and Guess: Commending Jack J. Bankson for efforts on behalf of prisoners of war. ....	1376	1376	Adopted
Ex. 65. Senators Francis and Fleming: Directing Public Pension Commission to study existence of sex discrimination in retirement system benefit computations. ....	1403	1403	Adopted
Ex. 66. Senators Ridder and Knoblauch: Requesting legislative council to study unit pricing. ....	1446	1445	Adopted
Ex. 67. Senators Day, Durkan and Peterson (Ted): Requesting legislative council study of entire problem of environmental noise pollution in the state. ....	1446	1446	Adopted
Ex. 68. Senators Andersen, Connor, Whetzel, Dore, Keefe: Commemorating State of Israel on twenty-third anniversary. ....	1451	1451	Adopted
Ex. 69. Senator Bailey: Requesting joint committee on education to study school insurance coverage problems. ....	1446	1446	Adopted
Ex. 70. Senators Woodall, Fleming, Gissberg and Twigg: Directing public pension commission to study feasibility of district court judges retirement act coverages. ....	1489	1489	Adopted
Ex. 71. Senator Odegaard: Congratulating Leonard C. Merta, Washington small businessman-of-the-year. ....	1489	1489	Adopted

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
Ex. 72. <b>Senators Day and Ridder:</b> Requesting legislative council study of need for, training, employability of physical therapist assistants. ....	1490					1490 Adopted
Ex. 73. <b>Senators Holman and Mardesich:</b> Requesting banking, insurance and utility interim committee study of Uniform Consumer Credit Code. ....	1490					1490 Adopted
Ex. 74. <b>Senators Scott, Gardner, Holman, Elicker, Murray, Washington, Ridder, Peterson (Ted), Bailey, Canfield, Newschwander, Clarke, Metcalf, Odegaard, Francis, Dore, Fleming, Foley, Whetzel, McDougall, Atwood, Day and Andersen:</b> Requesting installation in Senate of electric roll-call device. ....	1491				1491	Referred to Ways and Means
Ex. 75. <b>Senators Francis and Guess:</b> Requesting superintendent of public instruction to adopt guidelines for parental review of instructional materials. ....	1491					1491 Adopted
Ex. 76. <b>Senators Ridder and Sandison:</b> Expressing grief over death of Clara Gill. ....	1597					1597 Adopted
Ex. 77. <b>Senator Walgren:</b> Requesting interim municipal committee study of local government consolidation. ....	1624					1624 Adopted
Ex. 78. <b>Senators Durkan and Francis:</b> Requesting joint committee on education study of appropriate role of principals in school negotiations process. ....	1625					1625 Adopted
Ex. 79. <b>Senators Holman and Gissberg:</b> Requesting judicial council to study uniform probate code. ....	1625					1625 Adopted

Ex. 80. Senators Odegaard, Donohue, Henry, Matson, Jolly, Day, Stortini, Guess, Lewis, Newschwander, Wilson and Gissberg: Requesting local and regional air authorities to reexamine enforcement programs. ....	1625	.....	.....	.....	1625	Adopted
Ex. 81. Senators Washington, Henry, Bailey, Lewis, Connor, McDougall, Donohue, Marde-sich, Matson, Elicker, Murray, Foley, Peterson (Lowell), Herr, Scott, Huntley, Walgren and Whetzel: Requesting joint committee on highways to examine basic concept of Senate Joint Resolution No. 17. ....	1626	.....	.....	.....	1626	Adopted
Ex. 82. Senators Peterson (Lowell), Talley, Peterson (Ted), Bailey and Metcalf: Request-ing interim committee on fisheries, game and gamefish to study steelhead fishing laws of Oregon and Washington. ....	1626	.....	.....	.....	1626	Adopted
Ex. 83. Senators Peterson (Lowell), Talley, Peterson (Ted), Bailey and Metcalf: Request-ing interim committee on fisheries, game and gamefish to study limiting number of commercial salmon fishing licenses. ....	1627	.....	.....	.....	1627	Adopted
Ex. 84. Senator Gissberg: Requesting legislative council to study laws governing manage-ment and disposition of state-owned tide and shorelands. ....	1627	.....	.....	.....	1627	Adopted
Ex. 85. Senators Gissberg and Wilson: Requesting legislative council to study private camping clubs. ....	1627	.....	.....	.....	1627	Adopted
Ex. 86. Senators Woodall, Cooney, Twigg and Greive: Commending citizens advisory committee for contribution in betterment of the state's criminal law. ....	1628	.....	.....	.....	1628	Adopted
Ex. 87. Senators Woodall, Cooney, Twigg and Greive: Requesting legislative council to reexamine and conduct hearings on proposed revised criminal code. ....	1628	.....	.....	.....	1628	Adopted
Ex. 88. Senator McDougall: Paying tribute to Disabled American Veterans Organization on fiftieth anniversary. ....	1943	.....	.....	.....	1943	Adopted
Ex. 89. Senators Francis, Newschwander, Ridder and Murray: Requesting joint committee on education to study Dupont-Fort Lewis school district issues. ....	1815	.....	.....	.....	1816	Adopted
Ex. 90. Senators Peterson (Lowell), Talley, Bailey, Donohue and Peterson (Ted): Request-ing interim committee on fisheries, game and gamefish to study game manage-ment tool in female deer and elk hunting. ....	1944	.....	.....	.....	1944	Adopted

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

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NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
Ex. 91. Senators Peterson (Lowell), Talley, Bailey, Metcalf and Peterson (Ted): Requesting interim committee on fisheries, game and gamefish to study overall problem of general welfare of wild and domestic animals. ....	1944					1944 Adopted
Ex. 92. Senators Peterson (Lowell), Talley, Bailey, Metcalf and Peterson (Ted): Requesting interim committee on fisheries, game and gamefish to undertake study of surplus stocks of foodfish. ....	1944					1944 Adopted
Ex. 93. Senators Day, Fleming and Peterson (Ted): Requesting committee on public health to study nutritional needs of people. ....	1945					1945 Adopted
Ex. 94. Senator Scott: Requesting Senate committee on facilities to study costs of various electronic voting devices and possible installation. ....	1945					1945 Adopted
Ex. 95. Senators Peterson (Lowell) and Peterson (Ted): Requesting interim committee on fisheries, game and gamefish to study proper issuing authority for commercial harvest permits for shellfish. ....	1945					1945 Adopted
Ex. 96. Senators Peterson (Lowell) and Peterson (Ted): Requesting interim committee on fisheries, game and gamefish to study laws relating to powers of fisheries director. ....	1945					1945 Adopted
Ex. 97. Senators Day and Peterson (Ted): Requesting legislative council to study drugs and pharmaceuticals pricing. ....	1946					1946 Adopted
Ex. 98. Senators Ridder, Grelve and Dore: Requesting joint committee on education to study private school education problems. ....	1946					1946 Adopted

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Ex. 99. Senators Atwood and Whetzel: Requesting legislative council to study feasibility of replacing single-purpose districts. ....	1946	1946	Adopted
Ex. 100. Senators Durkan and Ridder: Directing legislative council to study consumer protection and unit pricing. ....	1947	1947	Adopted
Ex. 101. Senator Durkan: Requesting legislative council to study employer and employee rights legislation. ....	1947	1947	Adopted
Ex. 102. Senators Durkan and Atwood: Requesting legislative budget committee to study selected successful legislative budget analysis and appropriation procedures. ....	1947	1947	Adopted
Ex. 103. Senator Mardesich: Requesting joint interim committee on banking, insurance, and utility regulation to study all aspects of mobile homes. ....	1948	1948	Adopted
Ex. 104. Senators Lewis and Walgren: Commending all law enforcement officers during Police Appreciation Week. ....	1949	1949	Adopted
Ex. 105. Senators Ridder and Fleming: Directing public pension commission to study granting of retirement system service credits for private school teaching. ....	1949	1949	Adopted
Ex. 106. Senators Walgren, Gardner and Twigg: Directing legislative municipal committee to study local government needs to control civil disturbances, campus unrest and narcotics law enforcement. ....	1949	1949	Adopted
Ex. 107. Senators Day, Metcalf and Stortini: Requesting legislative council to study injury and deaths caused by burning of flammable fabrics. ....	1950	1950	Adopted
Ex. 108. Senators Matson, Holman, Huntley, Wilson and Sandison: Directing joint committee on higher education to study ways of utilizing existing facilities for short term needs of polytechnic programs. ....	1951	1951	Adopted
Ex. 109. Senators Matson, Holman, Huntley, Wilson and Sandison: Directing joint committee on higher education to study higher education laws with a view of revision. ..	1950	1950	Adopted
Ex. 110. Senators Matson, Holman, Huntley, Sandison and Metcalf: Directing joint committee on higher education to study criminal acts committed on or about campuses. ..	1951	1951	Adopted

**TITLE AND HISTORY OF SENATE FLOOR RESOLUTIONS—Continued**

NUMBER, AUTHOR AND SUBJECT	First Reading Referral	Report of Committee	Second Reading and Amendments	Third Reading	Other Action in Senate	Vote on Final Passage
Ex. 111. Senators Holman, Huntley, Wilson and Sandison: Directing joint committee on higher education to study retirement programs at state's higher education institutions. ....	1951					1951 Adopted
Ex. 112. Senators Durkan, Odegaard, Murray, Francis, Stortini and Sandison: Directing joint interim committee on higher education to study higher education collective bargaining procedures and rights. ....	1952					1952 Adopted
Ex. 113. All 49 Senators: Commending Richard G. Marquardt on appointment as director of selective service. ....	1952					1952 Adopted
Ex. 114. Senators Bailey and Atwood: Creating Senate facilities and operations committee and establishing its powers and duties. ....	1952					1952 Adopted
Ex. 115. Senators Bailey and Atwood: Directing the secretary of the senate to complete work of the session and interim activities. ....	1998					1998 Adopted
Ex. 116. Senators Bailey and Atwood: Providing for indefinite postponement of all legislative bills in hands of committees. ....	2000					2000 Adopted
Ex. 117. Senators Bailey and Atwood: Notifying that Senate is ready to adjourn <i>SINE DIE</i> .	2003				2004	2004 Adopted



**TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
5. Representatives Moon, Merrill, Adams, Bagnariol, Kilbury, Martinis, Van Dyk and Wajahn: Including fiscal impact of tax exemptions, deductions, exclusions and credits in budget document. ....	1113	1114	1373							
10. Representatives Brouillet, Bauer and Luders: Recognizing certain items as evidence of educational competence for public employment. .	198, 608	202	541	564, 567, 581	565, 581	565, 581	567	612	612	Ch. 43
11. Representatives Haussler, Bozarth, Ceccarelli, Hurley, Martinis and Marzano: Establishing laws relating to the use, sale, control and possession of dangerous drugs. ....	198, 659	202, 662	483				1447			
12. Representatives Hoggins and Brouillet (by Joint Committee on Education request): Abolishing obsolete authority of certain school districts to establish and maintain certain parental or truant schools. ....	151	156	334	543	543	543		556	556	Ch. 44
13. Representatives Hoggins, Brouillet and King (by Joint Committee on Education request): Repealing obsolete sections dealing with negotiations by certificated community college employees in school districts. ....	151, 659	156, 662	1542							

**TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
14. Representatives Hoggins, Brouillet, Knowles and Luders (by Joint Committee on Education request): Deleting superfluous law relating to school holidays, including programs suitable thereto. ....	151, 659	156, 662	334							
15. Representatives Hoggins, Brouillet and King (by Joint Committee on Education request): Deleting certain common school provisions from the higher education code and reenacting them in their proper code. ....	151	156	334	544	544	544	.....	556	556	Ch. 45
16. Representatives Hoggins, Brouillet and Luders (by Joint Committee on Education request): Deleting obsolete authority of superintendent of public instruction. ....	151	156	335	544	544	544	.....	556	556	Ch. 46
17. Representatives Hoggins, Brouillet (by Joint Committee on Education request): Repealing obsolete law which provides for apportionment of public school funds to certain school districts for pupils from orphan homes. ....	151	157	335	545	545	545	.....	556	556	Ch. 47
18. Representatives Hoggins, Brouillet, King, Knowles and Luders (by Joint Committee on Education request): Changing "county" and/or "intermediate district" to "intermediate school district" within certain sections of the common school code. ....	151	157	335	545	545	545	.....	556	556	Ch. 48

27. Representatives Chatalas, Wolf and Kilbury (by State Treasurer request): Increasing the state treasurer's faithful performance bond. . .	151	157	237	382	382	382	.....	400	400	Ch. 14
28. Representatives Chatalas, Wolf and Kilbury (by State Treasurer request): Placing assistant and deputy state treasurers under state's blanket performance bond. ....	151	157	237	383	383	383	.....	400	400	Ch. 15
29. Representatives Chatalas, Wolf, Kilbury and King (by State Treasurer request): Allowing investment of state treasury surplus moneys in certain government sponsored corporations.	151	157	237	383	383	383	.....	400	400	Ch. 16
30. Representatives Chatalas and Wolf (by State Treasurer request): Changing from monthly to annually the frequency for distribution of overload fines to counties, cities and towns. ....	151	157	237	383	384	384	.....	400	400	Ch. 17
38. Representatives Mentor, Wanamaker and Randall: Extending and expanding real property tax exemption to sectarian organizations. ....	681, 1479	681	788, 821	1343	1344	1344	.....	1480	1538	Ch. 64 Ex.
40. Representatives Newhouse, Moon, Berentson and Litchman (by Legislative Council request): Removing mandatory directive to sell first class tide and shorelands and giving abutting owner preference to lease as well as buy. ....	198, 659, 1750	202, 662	877	1571	1572	1572	.....	1826	1827	Ch. 217 Ex.
41. Representatives Wojahn, Kirk, Sawyer, Kiskaddon, Adams, Charnley, Gallagher, Kilbury, King, Marsh, Martinis, McCormick, Van Dyk and Wolf: Requiring that bacon be packaged so that the quality and degree of leanness may be ascertained. ....	187, 590	191	321	574	575	575	.....	608	617	Ch. 49
44. Representative Benitz: Providing for the cancellation of county warrants after one year. ...	273, 659	274, 662	554	1349	1349	1349	.....	1399	1400	Ch. 120 Ex.

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
47. (SUBSTITUTE) Committee on Local Government: Defining and providing a method for the dissolution of inactive port districts. ....	913	914	1316	1350	1350	1350	.....	1399	1400	Ch. 162 Ex.
48. Representatives Thompson, Newhouse, Berentson and King (by Legislative Council request): Authorizing department of natural resources to condemn access to public lands suitable for recreation. ....	215, 659	219, 662	.....	.....	.....	.....	.....	.....	.....	.....
50. Representative Jastad: Renaming the Mayfield Lake State Park as the Mary Kiona State Park. ....	386	386	522	547	547	547	386	556	556	Ch. 50
52. Representatives Van Dyk, Berentson, Haussler, Bauer and Hansey (by Legislative Council request): Regulating the production and marketing of milk. ....	455, 659, 1373	455, 662	926	1275	1277	1278	.....	1373	1381	Ch. 230 Ex.
53. Representatives Cunningham, Berentson and Conner (by departmental request): Providing changes in the regulation of classified drivers licenses. ....	321, 659	332, 662	607	1376	1376	1377	.....	1445	1450	Ch. 126 Ex.
54. Representatives Beck, Berentson and Wanmaker (by departmental request): Providing for reciprocal or proportional registration of vehicles. ....	386	386	523	549	549	549	.....	556	556	Ch. 51

55. Representatives Berentson, Conner and Hubbard (by departmental request): Exempting denial, suspension, or revocation of a driver's license from the administrative procedure act. ....	303	311	483	543	543	543	.....	556	556	Ch. 21
56. Representatives Beck, Wanamaker and Wolf (by departmental request): Providing certain changes in the tax on motor vehicle fuel. ....	386, 659	387, 662	1144, 1542	1960	1960	1960	.....	2005	2006	Ch. 156 Ex.
57. Representatives Wolf, Adams and Kopet (by departmental request): Providing for changes in licensing periods by the director of motor vehicles. ....	215	219	455	549	549	549	.....	556	556	Ch. 52
61. Representatives Brown, Ceccarelli and Goldsworthy: Exempting from inheritance tax any annuity payments under the federal military retirement act. ....	386, 659	387, 662	1019	.....	.....	.....	.....	.....	.....	.....
66. Representatives Bottiger, Harris and Knowles (by Legislative Council request): Classifying the property rights of persons having an interest in trust principal and persons having an interest in trust income. ....	273, 608	274	469	581	582	582	.....	612	612	Ch. 74
67. Representatives Bottiger, Harris and Maxie (by Legislative Council request): Regulating installment sales contracts. ....	198, 659	202, 662	.....	.....	.....	.....	.....	.....	.....	.....
69. (SUBSTITUTE) Committee on Ways and Means: Providing for the taxation of mobile homes. ....	681, 1508, 1621, 1826, 1961		1113, 1231, 1778, 1891	1327	1335	1335, 1395	1508, 1778, 1895	2005	2006	Ch. 231 Ex.
71. Representatives Bledsoe, Kiskaddon and Moon (by Legislative Council request): Extending medical aid coverage to state volunteer workers. ....	198	202	375	551	551	551	.....	556	556	Ch. 20

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
72. Representatives Morrison, Newhouse, Hubbard, Adams, Anderson, Backstrom, Bagnariol, Bauer, Beck, Blair, Bottiger, Bozarth, Bradley, Brouillet, Brown, Ceccarelli, Charette, Charnley, Chatalas, Conner, Cunningham, Douthwaite, Farr, Gallagher, Grant, Haussler, Hurley, Jastad, Johnson, Kilbury, King, Knowles, Kraabel, Litchman, Luders, Lysen, Marsh, Martinis, Marzano, Maxie, May, McCormick, McDermott, Merrill, Moon, North, O'Brien, Paris, Perry, Randall, Rosellini, Savage, Sawyer, Shinpoch, Smith, Thompson, Van Dyk, Williams and Wojahn (by executive request): Conforming Washington unemployment compensation law to federal law in regard to certain extended benefits. ....	66	72	.....	.....	.....	.....	.....	.....	.....	.....
75. Representatives Bozarth, Copeland, Bottiger, Haussler and Randall: Authorizing school districts to permit emergency use by other governmental agencies of their school buses and equipment. ....	249, 590	252	542	565	566	566	.....	608	617	Ch. 24
77. Representatives Beck, Wolf and Cunningham (by departmental request): Providing certain changes in the regulation of motor vehicle dealers. ....	772	772	1369	1495	1495	1495	.....	1547	1560	Ch. 74 Ex.

78. Representatives Bledsoe, Bottiger, Goldsworthy and Litchman (by departmental request): Providing for a new department of emergency services. ....	400, 659	400, 663	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
82. Representatives Moon, Newhouse, Bledsoe and Benitz (by Legislative Council request): Removing the tax exemption on steam plants owned or operated by joint operating agencies and requiring existing facilities to negotiate amounts due. ....	386, 659	387, 663	1113, 1369	1495	1495	1495	.....	1547	1560	Ch. 75	Ex.		
83. Representatives Harris, Bottiger, Eikenberry and Amen (by Legislative Council request): Authorizing traffic officers to issue arrest citations at scene of accident. ....	303, 659	311, 663	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
84. Representatives Harris, Bottiger, Barden, Litchman and Wolf (by Legislative Council request): Regulating charitable trusts and similar relationships and requiring reports thereof. ....	823, 1479	824	1317	1383	1384	1384	.....	1480	1538	Ch. 226	Ex.		
86. Representatives Zimmerman, Brouillet and Hoggins (by Joint Committee on Education request): Reorganizing powers, duties and functions within intermediate school districts. ....	386, 659, 1097, 1114, 1676, 1804	387, 663	1595, 1704	571, 936, 974, 1024	598, 807, 808, 974, 1024	1025	1026, 1716	600, 808, 949, 987, 1097, 1597, 1716	1826	1827	Ch. 282	Ex.	P. V.
88. Representatives Wolf, Charette and Bledsoe (by Legislative Council request): Providing that port districts of less than county size cannot be formed. ....	273, 659, 1875	274, 663	554, 804	563, 601, 1791	563, 1791	563, 1791	567, 601	2005	2006	Ch. 157	Ex.		

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
90. Representatives Brouillet, Hoggins, Chatalas, Kirk, Lynch, Grant, Conner, Thompson, Marsh, Backstrom, Bagnariol, Bauer, Beck, Ceccarelli, Charnley, Douthwaite, Farr, Gallagher, King, Luders, Martinis, Marzano, Mentor, Merrill, McCormick, O'Brien, Paris, Rosellini, Williams, Wojahn and Litchman (by Joint Committee on Education request): Relating to educational opportunities for all handicapped children. ....	902	902	926	1632	1632	1632	.....	1806	1806	Ch. 66 Ex.
92. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting apparent clerical error in RCW 7.33.280.	151	157	291	313	313	313	.....	335	336	Ch. 6
93. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting clerical error in RCW 11.24.010 (Probate Code). ....	151	157	291	313	314	314	.....	335	336	Ch. 7
94. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting education code sections. ....	151	157	291	314	314	314	.....	335	336	Ch. 8



95. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting double amendment to RCW 36.76.010. ....	151	157	291	314	314	315	.....	336	336	Ch. 9
96. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting double amendment to RCW 37.16.020. ....	151	157	291	315	315	315	.....	336	336	Ch. 10
97. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting double amendments to RCW 43.17.010 and 43.17.020. ....	151	158	291	315	315	315	.....	336	336	Ch. 11
98. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting double amendment to RCW 54.24.018. ....	151	158	291	316	316	316	.....	336	336	Ch. 12
99. Representatives Charette, Julin, Bottiger, Eikenberry, Knowles, McDermott and Ross (by Statute Law Committee request): Correcting double amendment to RCW 54.24.018. ....	151	158	291	316	316	316	317	385	389	Ch. 13
106. Representatives Zimmerman, Thompson, North, Hurley and Ceccarelli (by departmental request): Protecting endangered species of fish and wildlife. ....	215, 669, 1547	219, 663	954	1431	1431	1431	.....	1547	1560	Ch. 166 Ex.
108. Representatives Zimmerman, Randall, Brown and Brouillet (by Joint Committee on Education request): Providing for filling of vacancies in, quorum for, school districts. ....	187	191	499	564	564	564	.....	572	573	Ch. 53

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote or Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
109. Representatives Zimmerman, Brown, Randall and Brouillet (by Joint Committee on Education request): Authorizing state board of education to establish regulations governing school district numbering. ....	198	202	500	551	551	551	.....	556	556	Ch. 54
110. Representatives Cunningham, Bluechel, North and Barden: Providing for refunds of erroneously paid property taxes. ....	303, 659	311, 663	898	.....	.....	.....	.....	.....	.....	.....
112. Representatives Smythe, Moon and Bledsoe (by Legislative Council request): Providing for the taxation and regulation of campers. ....	321, 659	332, 663	1144	.....	.....	.....	.....	.....	.....	.....
113. Representatives Thompson, Zimmerman and Spanton (by departmental request): Prescribing powers of game protectors. ....	469, 659	470, 663	878	1792	1792	1792	.....	1876	2007	Ch. 173 Ex.
115. Representatives Charette, Curtis and Bagnariol: Regulating persons holding agents licenses issued by the Washington state liquor control board and who represent holders of certificates of approval. ....	730	731	1442	1658	1658	1659	.....	1806	1806	Ch. 138 Ex.
118. Representatives Zimmerman, Brown, Brouillet and Randall (by Joint Committee on Education request): Providing for number of school directors in new school districts. ....	215	219	500	562	562	562	.....	572	573	Ch. 67

121. Representatives Wolf, Bottiger and Copeland: Providing for licensing of airports. ....	742	743	1369	.....	.....	.....	.....	.....	.....	.....	.....	.....
123. Representatives Zimmerman, Schumaker, Constanti, Thompson, Hurley, North, Kraabel and Ceccarelli: Managing the taking of certain mammals. ....	455, 659	455, 663	896	.....	.....	.....	.....	.....	.....	.....	.....	.....
125. Representatives Shera, McCormick, Conway and Litchman (by Public Pension Commission request): Providing for increased pension benefits for certain retired employees of institutions of higher education. ....	879	880	1182	1482	1482	1482	1482	.....	1480	1538	Ch. 76	Ex.
126. Representatives Shera, McCormick, Conway and Litchman (by Public Pension Commission request): Providing for inclusion of court of appeals judges in judges' retirement system. ..	198	202	588	.....	.....	.....	.....	.....	.....	.....	.....	.....
130. Representatives Chatalas, Wolf, Copeland, Anderson, Bledsoe, O'Brien, Conner, Bozarth, Backstrom, Grant, Johnson, Bottiger, Hurley, Sawyer, Perry, Litchman, Gallagher, Flanagan, Conway, Lynch, Kopet, Cunningham and Goldsworthy (by State Treasurer request): Authorizing the state treasurer to cash certain checks for state officers and employees. ....	151	158	237	269	269	269	269	.....	284	287	Ch. 5	.....
133. Representatives North, Bottiger and Smythe (by Legislative Council request): Providing for control by the boundary review boards of certain action by cities, towns, or special purpose districts. ....	273, 660, 1400	274, 663	571	1350	1350	1351	.....	.....	1445	1450	Ch. 127	Ex.
134. Representatives Merrill, Cunningham and Barden (by Legislative Council request): Providing for reduction in the number of fire commissioners in a merged fire protection district.	273	275	554	597	597	597	.....	.....	612	612	Ch. 55	.....

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
138. Representatives Bauer, Wolf, Sawyer, Marsh and Luders: Providing period to determine if benefits set-off against highway, street or road condemnation award actually inure to remaining land. ....	523, 660	523, 664	.....	.....	.....	.....	.....	.....	.....	.....
140. Representatives Shinpoch, Lynch, Grant, Maxie, Charnley, Bauer, Knowles, Litchman and Merrill: Prohibiting cancellation of insurance because of sex and/or marital status.	386, 660	387, 664	1869	1633, 1666	1666	1666	1641, 1643	1806	1806	Ch. 174 Ex.
142. (SUBSTITUTE) Committee on Local Government: Providing for approval by a county legislative authority of certain action by a sewer or water district. ....	913, 1678	914	1317	1508	1509	1509	.....	1806	1806	Ch. 139 Ex.
143. Representatives Bottiger, Julin and Harris: Providing that professional service corporations with one shareholder need have only one officer and director. ....	198	202	483	552	552	552	.....	556	556	Ch. 57
144. Representatives Bledsoe, Bagnariol, Ceccarelli, Eikenberry, Barden, Cunningham and Litchman: Providing business and occupation tax deduction for certain computer services. ....	1071, 1479	1072	1183, 1261	1377	1380	1381	1381, 1382	1480	1588	Vetoed

149. Representatives O'Brien, Wolf, Hubbard, Backstrom, Conner and Conway (by departmental request): Revising the Washington public employees' retirement system. ....	902	903	972, 1478	.....	.....	.....	.....	.....	.....	.....	.....	.....
	607, 660,						1098,					
151. (SUBSTITUTE) Committee on Appropriations: Enacting the operating budget. ....	1098, 1114, 1676, 1996	613, 664	879, 1018, 1596, 1721	1040	1068	1748, 1786	1596, 1747, 1755, 1756, 1757, 1785	2005	2006	Ch. 275 Ex. P. V.		
152. (SUBSTITUTE) Committee on Appropriations: Enacting the capital budget. ....	1097	1099	1856	1874	1874	1874	.....	2005	2006	Ch. 276 Ex. P. V.		
153. Representatives Hansey, Bottiger and Cope-land (by departmental request): Exempting certain aircraft from state registration. ....	321, 660	332, 664	1619	.....	.....	.....	.....	.....	.....	.....	.....	.....
154. Representatives Julin, Eikenberry and Char-ette: Relating to appeals from acts and pro-ceedings of court commissioners. ....	249, 660	252, 664	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
155. Representatives Hansey, Bottiger and Cope-land (by departmental request): Extending open-space taxation advantages to airport lands. ....	804	805	1232	.....	.....	.....	.....	.....	.....	.....	.....	.....
157. Representatives Kirk, McDermott, Farr, Char-ette, Wanamaker, Kraabel, Kilbury, Knowles, Kopet, Kuehnle, Lynch, Merrill, North, Par-dini, Ross and Smith: Providing immunity from implied warranty and civil liability in blood transfusions. ....	321	332	500	549	550	550	573	587	590	Ch. 56		
158. Representatives Shera, McCormick, Gladder, Bagnariol, Kopet, Morrison, Grant, Conway, Ceccarelli, Litchman, Marsh and Merrill (by Public Pension Commission request): Consoli-dating state-wide city employees' retirement system with the Washington public employees' retirement system. ....	273, 608	275	571	600	600	600	.....	612	612	Ch. 75		



169. Representatives Cunningham, Conner, Bozarth, Anderson, Gallagher, Beck, Hubbard, Douthwaite and Merrill (by Joint Committee on Highways request): Extending powers to stop motor vehicles for driver's license check and vehicle inspection and test to hours of darkness. ....	215, 660	219, 664	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
171. Representatives Zimmerman, Flanagan and Martinis: Defining wildlife agent. ....	198, 660	203, 664	878	1351	1351	1351	.....	1399	1400	Ch. 121	Ex.	
172. Representatives Flanagan, Kiskaddon and Haussler (by departmental request): Restoring tax statutes based on passage of HJR 42 to previous status. ....	198, 660, 1479	203, 665	303, 429, 878	557, 576, 1382	1383	1383	560, 580	1480	1538	Ch. 281	Ex.	P. V.
173. Representatives Wolf, Bottiger, Conway, O'Brien and Cunningham (by Legislative Council request): Enabling endowment of the state capitol historical association. ....	335, 660	362, 665	571	.....	.....	.....	.....	.....	.....	.....	.....	.....
175. Representatives Julin, Wojahn and Cunningham (by Judicial Council request): Providing for grand juries and criminal investigations. ....	469, 660, 1749	470, 665	1442	1663	1665	1665	.....	1826	1827	Ch. 67	Ex.	
176. (SUBSTITUTE) Committee on Judiciary: Providing for payment of counsel and transcript fees in cases involving indigents. ....	303, 660	312, 665	1370	.....	.....	.....	.....	.....	.....	.....	.....	.....
181. Representatives Julin and Wojahn (by Judicial Council request): Establishing when any statute of limitations is tolled. ....	273, 660, 1481, 1547	275, 665	937	1352	1353	1353	1481	1547	1560	Ch. 131	Ex.	
185. Representatives Julin and Wojahn (by Judicial Council request): Adding additional members to the judicial council. ....	215, 660	220, 665	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

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NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
188. Representatives Julin and Wojahn (by Judicial Council request): Relating to district courts. ....	386	387	.....	.....	.....	.....	.....	.....	.....	.....
198. Representatives Copeland, Goldsworthy and Kopet (by Legislative Council request): Providing that the legislative council and legislative budget committee may review all interim committee salaries. ....	335, 660	363, 665	.....	.....	.....	.....	.....	.....	.....	.....
199. Representatives Wolf, Sawyer, Morrison, Brouillet, Conway, Copeland, Bauer, Beck, Berentson, Blair, Bottiger, Bradley, Conner, Costanti, Douthwaite, Farr, Gallagher, Gladder, Hansey, Jastad, Knowles, Kraabel, Kuehnle, Luders, Marzano, May, McCormick, McDermott, Mentor, North, Rabel, Ross, Savage, Smith, Van Dyk, Wanamaker, Anderson, Backstrom, Charnley, Chatalas, Cunningham, Grant, Maxie and Merrill (by executive request): Conforming Washington unemployment compensation law to federal law generally. ...	124	130	.....	130	130	130	130	132	132	Ch. 3
200. Representatives Thompson, Wolf, Martinis and Paris: Authorizing the relocation of harbor lines in front of Kalama and Everett. ....	216, 660, 1400, 1444, 1621, 1876	1121, 1548, 1717	.....	1353	1354	1354, 1717	1400, 1401, 1548, 1717	2006	2006	Ch. 158 Ex.



204. Representatives Martinis, Julin, Adams, Wana- maker, Williams, Hoggins, Luders and Mentor: Providing for the removal of wood fiber de- bris from state tidal waters. ....	386, 660	387, 665	1070	.....	.....	.....	.....	.....	.....	.....
206. Representatives Julin, Harris and Marsh: Per- mitting immediate transfers of assets under the bulk sales act. ....	216	220	483	547	547	547	.....	556	556	Ch. 23
207. Representatives Merrill, North and Kopet (by Municipal Committee request): Establishing regulations for publishing municipal ordi- nances. ....	455, 660	455, 665	.....	.....	.....	.....	.....	.....	.....	.....
209. Representatives Kopet, Backstrom, Chatalas and Hoggins (by Legislative Budget Commit- tee request): Fiscal agencies, technical change.	386, 660	387, 665	571	1354	1354	1354	.....	1399	1400	Ch. 163 Ex.
210. Representatives Kopet and Chatalas (by Legis- lative Budget Committee request): Providing that the administrative costs of the law en- forcement and firefighters retirement system are borne by the local government employer units. ....	879, 1750	880	1261	1671	1671	1671	.....	1826	1827	Ch. 216 Ex.
211. Representatives Kopet, Backstrom and Marsh (by Legislative Budget Committee request): Providing for the amendment and repeal of certain obsolete or inactive material relating to various local government units and agen- cies. ....	469	470	555	594	594	594	.....	612	612	Ch. 76
212. Representatives Thompson, Kopet, Hoggins and Mentor (by Legislative Budget Committee re- quest): Removing the forty percent limitation from marine fuel taxes used for capital im- provements on marine recreation area. ....	335, 660, 1750	363, 665	754	1672	1672	1672	.....	1826	1827	Ch. 140 Ex.

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213. Representatives Flanagan and Polk (by departmental request): Pertaining to payment of inheritance taxes. ....	335, 660, 1546	363, 666	898, 1160	1884	1885	1885	1686	1547	1560	Ch. 132 Ex.
214. (SUBSTITUTE) Committee on State Government: Providing for a time limit on recalls...	823, 1686, 1804, 1876, 1960	824	1442, 1876, 1908	1532	1534	1534, 1909	1876, 1908	2005	2006	Ch. 205 Ex.
215. Representatives Smythe, Marsh, Hoggins, Zimmerman, Charette, Bauer, Backstrom, Chatalas, Curtis, Mentor and Moon (by Secretary of State request): Providing for use of voting devices and vote tally systems in all elections and for listing of candidates thereat. ....	273, 660, 804	275, 666	717	799	801	802	.....	804	806	Ch. 6 Ex.
216. Representatives Julin, Morrison and Bottiger (by Attorney General request): Providing for the contents of certain trust instruments to conform to requirements of the Internal Revenue Code of 1954. ....	216	220	491	594	594	594	.....	612	612	Ch. 58
217. Representatives Julin, Morrison and Bottiger (by Attorney General request): Prohibiting certain acts by private foundations. ....	216	220	491	594	595	595	.....	612	612	Ch. 59
218. Representatives Benitz, Julin and Hubbard: Authorizing regional law libraries. ....	691, 1749	696	1143	1659	1659	1659	864	1826	1827	Ch. 141 Ex.

219. (SUBSTITUTE) Committee on Social and Health Services: Establishing a program of drug rehabilitation and education. ....	823	824	1261	.....	.....	.....	.....	.....	.....	.....	.....
220. Representatives Bluechel, Perry and Cunningham (by Secretary of State request): Simplifying documentary requirements for foreign corporations requesting authority to do business in Washington. ....	249	252	399	560	560	560	.....	572	574	Ch. 22	
221. Representatives Bluechel, Williams and Cunningham (by Secretary of State request): Creating a secretary of state's revolving fund. ....	386, 660	387, 666	500	1358	1359	1359	.....	1399	1400	Ch. 122 Ex.	
222. Representatives Bluechel, Spanton and Ross (by Secretary of State request): Deleting the requirement that notice to a nonprofit corporation or association that it shall cease to exist shall be by certified mail. ....	249, 660	252, 666	399	1359	1359, 1388	1388	1359	1445	1450	Ch. 128 Ex.	
223. Representatives Bluechel, McCormick and Cunningham (by Secretary of State request): Providing for certain changes in the powers, duties and functions of the secretary of state. .	249, 660	252, 666	500	.....	.....	.....	.....	.....	.....	.....	
224. Representatives Bluechel, Perry and Cunningham (by Secretary of State request): Amending the copyright act. ....	386, 660	387, 666	.....	.....	.....	.....	.....	.....	.....	.....	
225. Representatives Bluechel, McCormick and Conway (by Secretary of State request): Deleting the requirement that notice to a corporation failing to pay the annual license fee shall be by certified mail. ....	249, 660	252, 666	399	1797	1799	1799	.....	1876	2007	Ch. 142 Ex.	
226. Representatives Bluechel, Knowles and Kraabel (by Secretary of State request): Revising uniform commercial code fees for search and copy requests. ....	386, 660	387, 666	555	.....	.....	.....	.....	.....	.....	.....	

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227. Representatives Bluechel, Spanton and Hoggins (by Secretary of State request): Revising summons and complaint fees for nonresidents.	386, 660	387, 666	555, 1442	.....	.....	.....	.....	.....	.....	.....
228. Representatives Newhouse, Moon and Berenson: Relating to the interagency committee for outdoor recreation.	249, 608	252	429	601	601	601	.....	612	612	Ch. 60
229. Representatives Copeland, Bottiger and Hurley (by departmental request): Amending various items concerning public service companies.....	386, 660, 1678	388, 666	1370	1497	1497	1497	.....	1806	1806	Ch. 143 Ex.
233. Representatives Bottiger, Hubbard and Charrette: Providing that a lawyers' code of ethics shall be adopted by the supreme court.	386, 660	388, 667	897	.....	.....	.....	.....	.....	.....	.....
234. Representatives Bottiger, Julin and Hubbard: Providing criminal penalties for removing from the state property subject to a security agreement.	198	203	483	560	560	560	.....	572	574	Ch. 61
237. Representatives Schumaker, Savage, Zimmerman, Backstrom and Mentor: Increasing the dollar amount of resources that can be sold through the small sale procedure of the department of natural resources.	249	252	711	1359	1359	1359	.....	1399	1400	Ch. 123 Ex.

239. Representatives Kopet, McDermott and Eikenberry: Denying liability of persons withdrawing blood for intoxication test. ....	273, 660	275, 667	500	.....	.....	.....	.....	.....	.....	.....	.....
242. Representatives Shinpoch, Brown, Smythe and Grant (by Secretary of State request): Providing elections officials instruction in use of voting devices and setting minimum pay for election officials. ....	501, 660	501, 667	572	1360	1360	1360	.....	1399	1400	Ch. 124 Ex.	.....
244. Representatives Julin, Bottiger, Wolf and Curtis: Making larceny by check constitute grand larceny. ....	273, 660	275, 667	897	1385	1385	.....	1386, 1430	.....	.....	.....	.....
245. Representatives Bottiger, North, Smythe, Charnley and Mentor (by Secretary of State request): Permitting election candidates name twice on ballots if one position be that for precinct committeeman. ....	198	203	345	402	402	402	.....	421	421	Ch. 18	.....
247. (SUBSTITUTE) Committee on Transportation: Enacting a special fuel tax act. ....	501, 660, 1678	502, 667	1082	1528	1528	1528	.....	1806	1806	Ch. 175 Ex.	.....
248. Representatives Bottiger, Haussler, North, Merrill, Shera, Wojahn, Maxie, Randall, Bluechel, Kraabel, Cunningham, Blair, Rabel, Grant, Williams, Douthwaite and Paris (by executive request): Permitting county road millage funds to be used for other services in unincorporated area of county. ....	691	696	711	923	923	923, 924	922, 923	927	929	Ch. 25 Ex.	.....
250. Representatives Morrison, Smythe and Span-ton (by Superintendent of Public Instruction request): Permitting school directors to petition for annexation of school property to city or town. ....	386	388	572	595	596	596	.....	612	612	Ch. 69	.....
251. Representatives Bottiger, Kiskaddon and Kirk: Providing that a mailed tax notice can serve to give information required on tax payment receipt. ....	469, 660	470, 667	572	1079	1080	1080	.....	1114	1116	Ch. 35 Ex.	.....



262. Representatives Julin, Marsh and Harris: Providing that bonds in civil cases shall not be required of banks and savings and loan associations. ....	198, 660	203, 667	897	.....	.....	.....	.....	.....	.....	.....	.....	.....
266. Representatives Barden, Elkenberry, Litchman and Kilbury (by Joint Committee on Governmental Cooperation request): Providing for a change in the filing of regulations of the liquor control board. ....	303	312	588	604	604	604	.....	612	613	Ch. 62		
267. Representatives Spanton, Barden, Litchman and Backstrom (by Joint Committee on Governmental Cooperation request): Regulating liquor license transfers. ....	303	312	588	605	605	605	605	612	613	Ch. 70		
270. Representatives Barden, Spanton, Litchman, and Kilbury (by Joint Committee on Governmental Cooperation request): Exempting agency vendors of liquor from civil service. ..	469, 660, 1320	470, 667	878, 912, 1018	1167, 1168	1167, 1236	1236	912	1348	1349	Ch. 59 Ex.		
272. Representatives Schumaker, Hubbard, Benitz, Backstrom, Charnley, Costanti, Haussler and Kilbury: Allowing Indian tribes to participate in public cooperative ventures. ....	469, 660	470, 668	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
273. Representatives Hurley, Kiskaddon, Douthwaite and Charnley: Requiring environmental impact reports on interstate and primary state highways. ....	501, 660	502, 668	588	892	892	892	.....	902	902	Ch. 24 Ex.		
274. Representatives Shera, Merrill, Curtis and Litchman: Authorizing banks and trust companies in United States corporations insuring or marketing real estate mortgages. ....	249, 660	252, 668	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
277. Representatives McDermott, Smythe, Zimmerman, Chatalas, Shera, Backstrom and Paris (by departmental request): Providing certain changes in the law relating to community health programs. ....	469, 660	470, 668	788	1956, 1959	1956, 1959	1956, 1959	1959	2005	2006	Ch. 204 Ex.		

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278. Representatives Hansey, Conner and Kraabel (by departmental request): Directing a study of local governmental units. ....	718	720								
283. (SUBSTITUTE) Committee on Revenue and Taxation: Providing an act relating to revenue and taxation. ....	1199, 1961	1216	1545, 1805	1879	1898	1888		2005	2006	Ch. 288 Ex. P. V.
291. Representatives Kuehnle, Litchman, Curtis, Hatfield, Bottiger, Gladder, Eikenberry, Pardini, Smith, Conway, Kopet, Morrison, Wolf, Shera, Gallagher, Bagnariol, Jastad, Adams, Rosellini, Ceccarelli, Randall, Anderson, Backstrom, Bauer, Hoggins, Knowles, Marzano and McCormick: Relating to gambling. ....	501, 660, 1687, 1749, 1778, 1961	502, 668	1442, 1755, 1889	1472	1477	1477, 1890	1472, 1688, 1755, 1889	2005	2006	Ch. 280 Ex. P. V.
298. Representatives Wanamaker, Douthwaite, Cunningham, Conway and Hoggins (by departmental request): Providing for tire standards. .	386, 608	388	523	546, 562, 583	546, 584	546, 584	546, 562	612	613	Ch. 77
300. Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request): Relating to right of entry by department of natural resources employees. ....	386, 660, 1023, 1183, 1286	388, 668	711, 1161	924, 948	949	949	924, 1161	1286	1287	Ch. 49 Ex.



303. Representatives Barden, Gallagher, Litchman, Polk, Randall, Backstrom and Hoggins (by Joint Committee on Governmental Cooperation request): Providing for forest fire protection...	501, 660, 1546	502, 668	788	1425	1426	1426	.....	1547	1560	Ch. 134 Ex.
305. Representatives Ceccarelli, Lynch, Bagnariol, Maxie, Farr, Bottiger, Backstrom, Chatalas, Conway, Cunningham, Hoggins, Merrill and Randall: Amending the law relating to child abuse. ....	918	914	1143	1432	1432	1432	.....	1480	1538	Ch. 167 Ex.
306. Representatives Barden, Mentor, Litchman, Randall and Wolf (by Joint Committee on Governmental Cooperation request): Amending the powers of the board of tax appeals. ...	523, 660	523, 668	1019	.....	.....	.....	.....	.....	.....	.....
307. Representatives Flanagan, Kiskaddon, Brouillet and Luders: Extending two-mill shift for schools. ....	335, 660, 1561, 1622, 1914	363, 668	898, 1160, 1914	1428	1430	1430	1561, 1914, 1915	.....	.....	.....
308. Representatives Randall, Gallagher and Litchman (by Joint Committee on Governmental Cooperation request): Allowing racing commission to set license fees. ....	308, 660	312, 668	.....	.....	.....	.....	.....	.....	.....	.....
309. (SUBSTITUTE) Committee on State Government: Lowering the age to eighteen years from twenty-one years for certain purposes. ..	755, 1874	769	1231	1799	1800	1800	.....	2005	2006	Ch. 292 Ex. P. V.
310. Representatives Farr and Chatalas: Establishing a dental disciplinary board. ....	303, 660	312, 668	.....	.....	.....	.....	.....	.....	.....	.....
311. Representatives Gallagher, Kiskaddon, Brouillet, Haussler and Ross (by departmental request): Modifying the suspended sentence procedure. ....	469, 660, 1875	470, 669	788	1790	1790	1790	.....	2005	2006	Ch. 188 Ex.

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312. Representatives Zimmerman, Conner, Wolf, Cunningham and King (by departmental request): Changing the composition of the youth development and conservation committee and removing reenrollment limitation for youths...	386, 660	388, 669	1143				1024			
313. Representatives Gladder, Kopet, Eikenberry, Paris and Conway (by departmental request): Providing for changes in the law relating to county hospitals and infirmaries. ....	335, 660, 1557, 1828, 1846, 1898		937, 1846, 1898	1307, 1557	1309, 1559	1309, 1902	1557, 1828, 1847, 1902	2005	2006	Ch. 277 Ex. P. V.
314. (SUBSTITUTE) Committee on Social and Health Services: Creating lien against time loss compensation to recipient of public assistance. ....	681	681	1143							
320. Representatives Amen, Bozarth and Goldsworthy: Delegating elevator inspection to the division of safety. ....	335	363	500	548	548	548		556	556	Ch. 66
321. (SUBSTITUTE) Committee on Judiciary: Providing for suspended sentences for driving while intoxicated. ....	1184, 1750	1185	1370	1497, 1615, 1643	1643	1644	1498, 1617	1826	1827	Ch. 284 Ex. P. V.
322. Representatives Marsh, Kirk, Chatalas, Backstrom, Ceccarelli, Conner, Litchman, McCormick and Merrill: Authorizing school districts to lease school buses for the use of retarded children. ....	488, 608	488	572	596, 597, 602	603	603	596, 597, 598	612	613	Ch. 78

323. Representatives Charette, Martinis and Conner: Providing for the conservation of salmon resources by limiting the number of commercial salmon licenses. ....	816	818	1082	.....	.....	.....	.....	.....	.....	.....	.....	.....
324. Representatives Cunningham, Luders, Bluechel and Bauer (by departmental request): Providing for the licensing of domestic waste treatment plant operators. ....	430, 660	430, 669	771	.....	.....	.....	.....	.....	.....	.....	.....	.....
335. Representatives Bottiger, Juelling and Sawyer: Delineating state agency authority over private schools. ....	879, 1749	880	1442	1529, 1573	1573	1573	1532	1826	1827	Ch. 215		
337. Representatives Kuehnle, Haussler, Pardini and Hatfield: Requiring notice to owners of adjoining land when real property of an irrigation district is sold. ....	488, 660	488, 669	572	1363	1363	1363	.....	1399	1400	Ch. 125 Ex.		
340. (SUBSTITUTE) Committee on Local Government: Increasing the membership on boards of fire commissioners to five. ....	913	914	1182	.....	.....	.....	.....	.....	.....	.....	.....	.....
343. Representatives Pardini, Lysen and Kraabel: Setting out U.S. history and state history requirement for the common schools. ....	730	731	1036	.....	.....	.....	.....	.....	.....	.....	.....	.....
344. Representatives Hoggins, Brouillet, Zimmerman, Chatalas and Litchman (by Joint Committee on Education request): Implementing law relating to urban, racial and disadvantaged education programs and requiring programmed budget requests. ....	772	772	1443	.....	.....	.....	.....	.....	.....	.....	.....	.....
346. Representatives Copeland, Grant and Cunningham: Implementing leave provisions for school district employees. ....	913, 1910, 1960	914	1143	1647	1649	1649	1910	2005	2006	Ch. 203 Ex.		

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349. Representatives Julin, Bottiger and Shera: Permitting investment of certain state funds in the obligations of the Asian development bank. . . . .	303, 660	312, 669								
350. Representatives Wolf, Grant, Cunningham, Hoggins, Kilbury and Luders: Authorizing increase in amount of insurance premiums school directors and higher educational institutions may pay for personnel. . . . .	501, 660	502, 669	1620							
351. Representatives Julin, Charette, Hubbard and Backstrom: Granting immunity to medical professionals bringing charges against fellow professionals. . . . .	681, 1678	681	972	1526	1527	1527		1806	1806	Ch. 144 Ex.
353. Representatives Gilleland, Perry and Berentson: Pertaining to refunds for non-highway use of fuel. . . . .	469, 660	471, 669	729	1078	1078	1078		1114	1116	Ch. 36 Ex.
356. Representatives Paris, Thompson and Anderson: Making an appropriation for the Puget Island-Westport ferry. . . . .	681	682								
357. Representatives Gallagher, Beck and Hatfield: Amending certain parts of the White Cane Law. . . . .	1184	1185	1317	1433	1433	1433		1480	1539	Ch. 77 Ex.

362. Representatives Hubbard, Charette, Julin and Bottiger: Providing that the rule against perpetuities applies to all trusts. ....	430, 660	430, 669	1121	1363	1363	1363	.....	1399	1400	Ch. 229 Ex.
354. Representatives Gladder, Copeland, Kopet and Grant (by Secretary of State request): Implementing law relating to candidates' and voters' pamphlets. ....	501, 660, 1678	502, 669	878	1446	1447	1447	.....	1806	1806	Ch. 145 Ex.
367. Representatives Brown, Bottiger, Wanamaker, Charnley, Kraabel, Chatalas, Douthwaite and Mentor (by Attorney General request): Prohibiting payment of organizers of petition drives. ....	902	903	1247	.....	.....	.....	.....	.....	.....	.....
372. Representatives Brown, Copeland, Conner, Grant, Blair and Chatalas (by Secretary of State request): Revising election laws relating to registration records. ....	386, 681, 1961	388, 682	1070	1897	1897	1897	1452, 1897, 1902	2005	2006	Ch. 202 Ex.
373. Representatives Copeland and Sawyer (by departmental request): Increasing state patrol retirement benefits. ....	730, 1749	731	973	1651	1651	1652	.....	1826	1827	Ch. 278 Ex. P. V.
376. Representatives Berentson, Beck, Martinis, Charnley and Kuehnle (by Joint Committee on Highways request): Regulating motor vehicle noise. ....	303, 660	312, 670	954	.....	.....	.....	.....	.....	.....	.....
378. Representatives Flanagan, Conner, Newhouse and Costanti (by departmental request): Providing for a personal use salmon license. ....	523, 660	523, 670	.....	.....	.....	.....	.....	.....	.....	.....
379. (SUBSTITUTE) Committee on Social and Health Services: Waiving examinations required of applicants to practice certain healing arts. ....	804, 1400	805	1121	1269	1269	1270	.....	1445	1450	Ch. 227 Ex.
384. Representatives Beck, Wanamaker, Berentson and Amen (by departmental request): Providing witness fees for state patrol. ....	718	720	.....	.....	.....	.....	.....	.....	.....	.....



401. Representatives North, Thompson, Newhouse, Curtis, Gilleland and Smythe: Requiring charge of fees for use of state parks, and stating legislative intent therefor. ....	488, 660	488, 670	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
403. Representatives Kopet, May and Pardini: Authorizing the issuance of revenue warrants under the Municipal Airports Act of 1945. ....	816	818	1182	1498	1498, 1579	1579	1499	1677	1750	Ch. 176	Ex.	
405. Representatives Conner, Jastad and Farr: Regulating practical nurses. ....	455	456	484	561	562, 563	564	562	573	574	Ch. 68		
408. Representatives Eikenberry, Bottiger, Julin, Barden, Pardini, Chatalas, Ross, Backstrom, Polk, Gilleland and Jones: Revising the deed of trust statute. ....	488, 660	488, 670	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
411. Representatives Kopet, Chatalas and Farr (by departmental request): Increasing fees payable to state pharmacy board. ....	879, 1596, 1678, 1996	881	1143, 1942	1437	1438	1439, 1942	1596, 1942	2005	2006	Ch. 201	Ex.	
412. Representatives Merrill and Smythe: Requiring metal dealers to keep certain records. ....	430, 660	430, 670	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
414. Representatives Paris, McDermott, Zimmerman and Charette (by Joint Committee on Governmental Cooperation request and by departmental request): Placing children in agencies according to interstate compact. ....	718	720	1019	1439	1439	1439	.....	1480	1539	Ch. 168	Ex.	
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416. Representatives Farr, Ceccarelli and Kirk (by departmental request and by Joint Committee on Governmental Cooperation request): Amending certain public assistance laws. ....	823	824	1019	1524	1524	1524	.....	1547	1560	Ch. 169	Ex.	

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431. Representatives Bluechel, Charnley and Cunningham (by Secretary of State request): Establishing fee schedule for search requests. ....	718	720	.....	.....	.....	.....	.....	.....	.....	.....
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437. Representatives Bagnariol, Barden and Kilbury (by State Auditor request): Providing for designation of fiscal agencies by counties, cities, towns and port or school districts. ....	913, 1678	914	1112	1457	1457	1457	.....	1546	1564	Ch. 79 Ex.
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<b>463. Representatives Brown, Kilbury and Kiskaddon</b> (by executive request and Secretary of State request): Providing for annual general elections and prorating costs thereof between state and governmental subdivisions. ....	1657, 1997	1657	1677	1720	1721, 1786	1787	1657, 1658, 1721	.....	.....	.....
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490. Representatives Hoggins, Cunningham, Shera and Brouillet (by Superintendent of Public Instruction request): Defining certain terms relating to vocational education. ....	730	731								
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509. Representatives Bledsoe, Flanagan, Amen, Benitz, Morrison, Newhouse, Schumaker, Curtis, Hatfield, Lynch, Spanton, Wanamaker, Smith, Hansey, Goldsworthy, Haussler, Bozarth, Bauer and Van Dyk: Providing for assessments by the Washington state beef commission. ....	400	401	500	548	548	548	.....	556	556	Ch. 64
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581. Representatives Pardini, Thompson, Juelsing and Smythe: Providing for revisions in insurance law.	879	883	1443	.....	.....	.....	.....	.....	.....	.....	.....	.....
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<b>613. Representatives Wanamaker, Mentor, Van Dyk, Berentson, Farr, Hansey and Costanti:</b> Altering certain judicial districts of the supe- rior courts. ....	730	731	1143	1461	1461	1461 .....	1480	1539	Ch. 83 Ex.
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<b>645. Representatives Cunningham, Conner and Amen:</b> Providing for distribution of moneys from penalty assessments to traffic safety edu- cation account. ....	681	682	804	909	909	909 .....	926	929	Ch. 26 Ex.



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706. Representatives Flanagan, Amen, Haussler, Benitz, Bozarth and Kilbury: Amending certain regulations of commission merchants. ....	718, 1749	721	1019	1569	1670	1570	.....	1826	1827	Ch. 182 Ex.

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<b>726. Representatives Brown, Morrison and Smythe:</b> Enacting congressional redistricting and reapportionment. ....	542	542	.....	.....	.....	.....	.....	.....	.....	.....
<b>727. Representatives Amen, Haussler and Bauer:</b> Providing for livestock identification. ....	879, 1479	884	1070	1387	1388	1388	.....	1480	1539	Ch. 135 Ex.
<b>728. Representatives Thompson, Benitz and Haussler:</b> Pertaining to taxable status of public property when transferred to private ownership. ....	488, 661, 1286	489, 673	788, 1182	1238	1238	1238	.....	1286	1287	Ch. 44 Ex.

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734. Representatives Elkenberry, Knowles and Julin: Regarding duties of the personal representative and appraiser in probate. ....	523, 671	524, 673								
735. Representatives Morrison, McCormick and Hubbard: Revising the workmen's compensation law. ....	823, 1254, 1292, 1910, 1936		1121, 825 1888, 1917	825, 1129	1129	1129, 1940	825, 1216, 1254, 1262, 1291, 1888, 1940	2005	2006	Ch. 289 Ex. P. V.
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743. Representatives Bottiger and Wolf: Exempting executive assistants for personnel administration and labor relations from the provisions of the state civil service law. ....	823	865	996	1795	1796	1796	.....	1876	2007	Ch. 209 Ex.
747. Representatives Brown and Morrison: Reapportioning and redistricting the legislature. ...	1621	1660	1670	1757	1775	1776	1995	.....	.....	.....
753. Representatives Smythe, Kopet, Kiskaddon, Brown and Gilleland: Requiring that each utility service charge be separately stated on customer bills. ....	913	915	.....	.....	.....	.....	.....	.....	.....	.....
759. Representatives Wanamaker, Berentson and Bozarth: Amending reporting and planning periods of urban arterial board. ....	730, 1874	781	1083	1650	1650	1650	.....	2005	2006	Ch. 291 Ex. P. V.
762. (SUBSTITUTE) Committee on Social and Health Services: Providing for preplacement studies of prospective adoptive parents. ....	913, 1547	915	1019	1420	1420	1421	.....	1547	1560	Ch. 172 Ex.
765. Representatives Smythe, Haussler and Amen: Providing for dates for county budget hearings. ....	730	732	1113	1421	1421	1421	.....	1480	1539	Ch. 136 Ex.
766. Representatives Thompson and Smythe: Removing a fire protection district commissioner for failure to attend meetings. ....	730, 1749	732	926	1660	1661	1661	.....	1826	1827	Ch. 153 Ex.
768. (SUBSTITUTE) Committee on Social and Health Services: Providing for adoption of hard to place children. ....	823, 1373	865	937	1312	1312	1313	.....	1373	1381	Ch. 63 Ex.
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772. (SUBSTITUTE) Committee on Ways and Means, Revenue and Taxation: Requiring permits for certain fires to control air pollution. ..	913, 1678	915	1144	1525	1526	1526	.....	1806	1807	Ch. 232 Ex.

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
773. Representatives Schumaker, Benitz, Hurley and Gladder: Protecting deer and elk during certain periods of the year. ....	823, 1675	865	954	1516	1516	1516, 1675	1675	1806	1807	Ch. 183 Ex.
774. Representative Bluechel: Relating to the operation and administration of state government. .	913	915								
777. (SUBSTITUTE) Committee on Appropriations: Making supplemental appropriations for the period ending June 30, 1973. ....	1804	1825		1825			1825			
778. Representatives Kiskaadon, Blair, Ross, Maxie and Kraabel (by executive request): Establishing a "citizens-legislative task force." ....	879	884								
781. (SUBSTITUTE) Committee on Natural Resources and Ecology: Requiring personal commercial fishing licenses. ....	913	916	1088							
782. Representatives Lynch, May, Kirk and Marsh: Authorizing certain nonprofit charitable organizations to be parental successors of mentally and/or physically deficient persons in state residential schools. ....	804	805	937							

798. Representatives Bluechel, Maxie, Wojahn, Chatalas, Ross, Backstrom, Barden, Bradley, Charnley, Douthwaite, Johnson, Knowles, Morrison, Randall, Williams and Van Dyk: Relating to the operation and administration of state government. ....	804	805	937	1516	1521	1521	1521	1547	1560	Ch. 65 Ex.
800. Representatives Sawyer and Charette: Providing for conversion of cooperative associations into corporations and for mergers between co-ops and corporations. ....	823	865	1130	1422	1422	1422	1422	1480	1539	Ch. 221 Ex.
803. Representatives Flanagan, Perry and Pardini: Providing that state finance committee shall control incurrence of state debt. ....	816	818	1113, 1372	1668	1668	1668	1668	1806	1807	Ch. 184 Ex.
813. Representatives Perry, Barden and Bluechel: Requiring prequalification of electrical contractors doing business with electrical utilities. ....	755, 1804	769	1443	1580	1580	1581	1581	1826	1827	Ch. 220 Ex.
816. Representatives Harris, Charette, Conner, Chatalas, Mentor, Hubbard, Gladder, Zimmerman and Knowles: Providing for insurance and health care programs for state employees and officials. ....	823	865	1231							
817. Representatives Flanagan, Perry and Pardini: Providing for issuance of general obligation bonds for indebtedness of Washington state building authority. ....	816	818	1372	1668	1668	1668	1668	1806	1807	Ch. 154 Ex.
832. Representatives Johnson, Goldsworthy and Zimmerman: Making an appropriation for water pollution control facilities. ....	816	865	865, 888	889	889	889	866	902	902	Ch. 20 Ex.
841. Representatives Merrill, Paris, Adams, Lynch, Marzano and O'Brien: Requiring that provision be made for handicapped persons in public accommodations. ....	804	806	938	1465	1465	1465	1465	1480	1539	Ch. 219 Ex.

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
853. Representatives Bledsoe, Morrison, North and Ross: Repealing prohibition on sale of contraceptives. ....	823, 1560, 1621, 1676, 1804	866 1010, 1144, 1596, 1718	1810, 1824	1824	1324, 1718	1310, 1560, 1596, 1718	1826	1827	Ch. 185 Ex.	
859. Representatives Morrison, Charette, Hubbard and Grant: Making certain housekeeping changes in the unemployment compensation laws and certain changes in collection procedures. ....	804	806								
860. Representatives Lynch and Hatfield: Exempting hops in transit from property taxes. ....	823	866 1113, 1872	1459	1459	1460	1546	1565	Ch. 137 Ex.		
863. Representatives Jones, Costanti and Gilleland: Defining school day for common school purposes. ....	1320, 1876	1321 1443 1794, 1818	1818	1818	1795	2005	2006	Ch. 161 Ex.		
865. Representative Bluechel: Relating to the operation and administration of state government.	1621, 1961	1660 1805 1896	1896	1896	1896	2005	2006	Ch. 287 Ex. P. V.		
869. Representative Gladder: Providing for licensing of hotels and motels. ....	926	927 1443								
873. Representatives Morrison, North and Smythe: Redistricting and reapportioning the state congressional districts. ....	804	806 1372								

875. Representatives Ceccarelli, Curtis, Rosellini and Blair: Permitting certain minor employees of class H license holders to serve and sell liquor. ....	1320	1321	.....	.....	.....	.....	.....	.....	.....	.....	.....
876. Representatives Curtis, Eikenberry, Ross and Maxie: Pertaining to the licensing of intoxicating liquor for consumption at certain places. ....	772, 1750	772	1443	1673	1673	1673	.....	1826	1827	Ch. 208	Ex.
878. Representatives Charette, Goldsworthy and Knowles: Making an appropriation for publication of the session laws. ....	488, 664	489, 673	715	715	715	715	.....	718	722	Ch. 5	Ex.
881. Representatives Flanagan, Moon and Haussler: Providing for the method of assessment of livestock. ....	1071	1072	1144	.....	.....	.....	.....	.....	.....	.....	.....
888. Representatives Morrison, Rosellini, Savage, Johnson and Benitz: Pertaining to application of business and occupation taxes to nuclear fuel assemblies. ....	1071	1072	1144, 1231	1521	1522	1523	1540	1677	1750	Ch. 186	Ex.
892. Representative Berentson: Pertaining to transportation and the welfare of the state and its citizens. ....	1546, 1874	1584	1620	1784	1784	1784	.....	2005	2006	Ch. 195	Ex.
897. Representatives Perry, Barden and Sawyer: Exempting pension benefits to city employees from inheritance tax. ....	1676	1825	.....	1825	.....	.....	1825	.....	.....	.....	.....
903. Representatives Kopet, Douthwaite and Ross: Requiring local governmental sewerage systems to have waste disposal permits from the department of ecology. ....	1130	1130	.....	.....	.....	.....	.....	.....	.....	.....	.....
905. Representatives Copeland, Martinis and Pardini: Providing for the redefinition of public place for certain purposes. ....	772	772	1019	.....	.....	.....	.....	.....	.....	.....	.....

TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
915. (SUBSTITUTE) Committee on Social and Health Services: Authorizing special programs to provide social and health services for welfare recipients. ....	823	866	1231	1523	1523	1523	.....	1547	1560	Ch. 309 Ex.
918. Representatives Perry and Cunningham: Providing that members of the governing boards of state agencies are within the conflict of interest statute. ....	913	916	.....	.....	.....	.....	.....	.....	.....	.....
927. Representatives Zimmerman, Kraabel, Moon, Thompson, Paris and May: Regulating the use of asbestos in manufacturing and construction.	913	916	1543	.....	.....	.....	.....	.....	.....	.....
929. Representatives Shera, Conway, Barden, Curtis, Pardini and Berentson: Updating public assistance definitions to reflect creation of department of social and health services. ....	1546	1584	.....	.....	.....	.....	.....	.....	.....	.....
930. Representatives King, Wolf, Flanagan, Benitz, Hatfield and Lynch: Seizing contraband cigarettes. ....	730	732	.....	.....	.....	.....	.....	.....	.....	.....
946. (SUBSTITUTE) Committee on Labor and Employment Security: Providing for review of hospital construction contracts to prevent discriminatory practices. ....	879	884	.....	.....	.....	.....	.....	.....	.....	.....







1072. Representatives Mentor, Beck, Goldsworthy, Barden, Merrill, Paris, Marzano, Lynch, Jastad, Copeland, Cunningham, Wolf, Anderson, Randall, Costanti, Berentson, Perry, Bagnariol, Lysen, Kirk, Charnley, Litchman, Ross, Maxie, Gilleland, Haussler, Rabel, Smith, Hansey, Eikenberry, Bozarth, Bauer and Jones: Providing for free motor vehicle licenses for certain disabled veterans. ....	1320	1321	1543	1958	1958	1958	.....	2005	2006	Ch. 193 Ex.
1073. Representatives Bledsoe and Flanagan: Providing for the transfer of territory from one county to another. ....	879	884	1318	.....	.....	.....	.....	.....	.....	.....
1075. Representatives May, Brouillet, Juelling, Marzano, Gallagher, Adams, Bottiger and Wojahn: Providing that certain collective bargaining agreements contain a provision for retroactive wages. ....	1320	1321	1372	1661, 1665	1662, 1665, 1666	1666	1662	1806	1807	Ch. 187 Ex.
1081. (SUBSTITUTE) Committee on Revenue and Taxation: Pertaining to tax credits for pollution control facilities. ....	1130	1130	1373	.....	.....	.....	.....	.....	.....	.....
1082. Representatives Bauer, Cunningham and Lunders: Providing a refund of excise taxes to owners of destroyed motor vehicles, mobile homes or travel trailers. ....	1400	1403	1543	1662	1663	1663	1663	.....	.....	.....
1085. Representatives Wolf, Copeland, O'Brien, May, Haussler, Newhouse, Berentson, Juelling, Moon, Bledsoe, Charette, Harris, Bottiger, Eikenberry, Gladder, Jones, Kuehnle, Pardini and Paris: Providing for legislative review of administrative rules. ....	913	916	.....	.....	.....	.....	.....	.....	.....	.....
1094. Representative Hoggins: Implementing law relating to school districts and their negotiations with certificated personnel. ....	1130	1131	1543	.....	.....	.....	.....	.....	.....	.....

## TITLE AND HISTORY OF HOUSE BILLS IN THE SENATE—Continued

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate	Action by Governor
1116. Representatives Wojahn, Kirk, McCormick, Lynch, Maxie, Brouillet, Johnson, Kilbury, Brown, Amen, Wolf, Julin, Zimmerman, North, Costanti and Hoggins: Changing the department of agriculture to the department of agriculture and consumer services and changing the division of dairy and food thereof to the division of consumer services. . .	1546	1584	1806	.....	.....	.....	.....	.....	.....	.....
1123. Representatives Gallagher, Martinis, Adams, Kilbury, Jastad, Brouillet, Berentson, Haussler, Jueling and Marzano: Exempting nonprofit blood banks from property taxes. ....	1374	1374	1398, 1544	1628	1659	1629	.....	1806	1807	Ch. 206 Ex.

**TITLE AND HISTORY OF HOUSE JOINT MEMORIALS IN THE SENATE**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker	Signed by President
1. Representatives O'Brien, Copeland, Bledsoe, Amen, Anderson, Bagnariol, Benitz, Blair, Bluechel, Bradley, Brown, Ceccarelli, Charnley, Chatalas, Conway, Costanti, Cunningham, Curtis, Douthwaite, Eikenberry, Farr, Flanagan, Gilleland, Gladder, Hansey, Harris, Hatfield, Haussler, Hoggins, Hurley, Johnson, Jones, Julin, King, Kirk, Kiskaddon, Knowles, Kopet, Kraabel, Kuehnle, Litchman, Luders, Lynch, Lysen, Marsh, Marzano, McDermott, Merrill, Morrison, Newhouse, North, Pardini, Paris, Polk, Rabel, Randall, Rosellini, Ross, Savage, Schumaker, Shera, Shinpoch, Smith, Smythe, Van Dyk, Wanamaker, Williams, Wolf and Zimmerman (by Legislative Council request): Providing for revenue sharing with the states. ....	79, 661	83, 673	160				524		
3. Representatives Hansey, May, Van Dyk, Costanti, Pardini, Berentson, North and Moon: Memorializing Congress to have reflectors placed on the sides of rail cars. ....	386, 661	389, 673	754	1364	1364	1364		1400	1400
4. All 99 Representatives: Memorializing Congress concerning United States prisoners of war in Viet Nam. ....	79	84	123	123	124	124		139	147
6. Representatives Kilbury, Brown, Williams and Grant (by Secretary of State request): Seeking amendments to federal communications act respecting television coverage of political candidates. ....	1374	1374							



14. Representatives Kirk and Eikenberry: Petitioning that all of Fort Lawton be made into a city park, and that no part be used as a correctional institution by the federal bureau of prisons. ....	691	697	754	.....	.....	.....	.....	.....
15. Representatives Bledsoe, King, Brown, Ceccarelli, Grant, Charnley, Rosellini, McDermott, Kiskaddon, Jones, Gilleland, Blair, Kraabel, Smythe, Lysen, Brouillet, Rabel, Ross, Backstrom and Paris (by executive request and Secretary of State request): Ratifying a proposed amendment to the United States Constitution allowing Congress to set voting age. ....	762, 772	752	.....	752	752	752	.....	772 773
16. Representatives North, Martinis, Hansey, Charette and Costanti: Petitioning United States government to protect the interests of West Coast fishermen. ....	914	916	1010	.....	.....	.....	.....	.....
21. Representatives Lysen, Douthwaite, Shinpoch, Knowles, Maxie, Williams, McDermott, Kilbury, Ross, Blair, Rabel, Luders, Bauer and Jones: Suggesting federal program to utilize skilled personnel presently under utilized by the aerospace industry. ....	1071	1072	1182	.....	.....	.....	.....	.....
22. Representatives Mentor, Hansey, Costanti, Benitz, Paris, Schumaker, Hatfield, Brown, Polk, Hubbard, Smith, Wanamaker, Spanton, Beck, Haussler, Charette, Johnson, Kuehnle, Wolf, Cunningham, Farr, Kirk, Flanagan, Bledsoe, Morrison, Chatalas, Juelling, Lynch, Berentson, Hoggins, O'Brien, May, Conner, Rosellini, Randall, Charnley, Bauer, Bozarth, Ceccarelli, Martinis, Shinpoch and Wojahn: Requesting Congress to reconsider the SST project. ....	1097	1099	1183	.....	.....	.....	.....	.....



35. Representatives Litchman, Bledsoe, Bluechel, Backstrom, King, Shera, Smith, Curtis, Brown, North, Kraabel, Morrison, Farr, Cunningham, Kiskaddon, Lynch, Pardini, Lysen, Wojahn, Ceccarelli, Mentor, Kirk, Conway, Hoggins and Harris (by executive request): Providing a new method for amending the Constitution. ....	523, 661	524, 674						
47. Representatives Bluechel, O'Brien, Hoggins and Kiskaddon: Amending Article VII, section 2 of the Constitution. .	1374	1374	1374, 1450, 1452	1913	1913, 1947	789, 1374, 1451, 1452, 1940	2006	2007
52. Representatives Flanagan, Perry and Pardini (by executive request): Amending the constitutional debt limitation.	790	790	1113, 1372	1667	1667	1667	1806	1807

**TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS IN THE SENATE**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote or Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
1. Representatives Copeland, Juelling, Newhouse, Harris and Bottiger (by Legislative Council request): Commending upon retirement, Donald C. Sampson. ....	11	11	.....	11	11	11	.....	13	13
2. Representative Bledsoe: Notifying the governor that the legislature is organized. ....	11	11	.....	11	11	11	11, 13	13	13
3. Representative Bledsoe: Joint sessions to receive governor's message to the legislature and the governor's budget message. ....	11	11	.....	11	11	11	.....	13	13
5. Representative Pardini: Joint session to receive address to the legislature from Richard G. Capen, Jr.	105	107	.....	107	107	107	.....	109	110
6. Representatives Bledsoe and McCormick: Relating to memorial services commemorating deceased members of the legislature. ....	109, 124, 132	112	.....	112	112	112	132	132	132
7. Representatives Lynch, Benitz, King, Kiskaddon, Shinpoch and Chatalas: Providing for study of post high school education financing. ....	755, 1400	769	1083	1365	1365	1365	.....	1445	1450
8. Representatives Lynch, King and Kiskaddon: Authorizing a study to determine the feasibility of consolidating community college districts. ....	488, 661	489, 674	.....	.....	.....	.....	.....	.....	.....
11. Representatives Flanagan, North, Backstrom and Moon: Directing a study of public services. ....	488, 661	489, 674	1545	.....	.....	.....	.....	.....	.....



12. Representatives Douthwaite, Charnley, Van Dyk, Williams, Lysen, Grant, Chatalas, Bradley, Shinpoch, King, McDermott, Kilbury and Knowles: Directing the legislative council to study oil spills and supertankers. ....	913	917	1318	1953	1953	1953	.....	2005	2006
14. Representatives Kopet, Backstrom and Lynch: Directing a study of faculty tenure. ....	913	917	1318	1954	1954	1954	.....	.....	.....
16. All 99 Representatives: Commending Will Bachofner for his service as chief of Washington State Patrol. ....	321	363	.....	363	363	363	.....	385	389
18. Representative Bledsoe: Pertaining to the internal business of the legislature. ....	376	.....	.....	.....	.....	.....	.....	.....	.....
19. Representatives Williams and Lysen: Authorizing a study relating to community schools. ....	1130	1131	1443	1954	1954	1954	.....	2005	2007
20. Representatives North, Brouillet and Bledsoe: Providing for a study on a state regional library. ....	730, 1703	732	897	1528	1528	1528, 1703	1703	1826	1827
22. Representative Bledsoe: Calling for a joint session to receive the message of Vice President Agnew. ....	469	471	.....	471	.....	471	.....	501	501
23. Representatives King and Shinpoch: Providing for a legislative council study of landlord-tenant laws and relationships. ....	1130	1131	1318	1955	1955	1955	.....	.....	.....
24. Representative Bledsoe: Extending time for consideration of bills. ....	573, 589	573	.....	573	573	573	.....	609	617
25. Representative Bledsoe: Adjournment <i>SINE DIE</i> . ....	617, 618	617	.....	617	617	617	618, 619	617	617
26. Representative Bledsoe: Notifying Governor that legislature is organized. ....	625, 659	626	.....	626	626	626	626	659	661
28. Representatives Goldsworthy, Copeland and Moon: Directing a study to review appropriation procedures and practices of other states for possible use in this state. ....	691	697	.....	.....	.....	.....	.....	.....	.....
31. Representative Bledsoe: Adopting cut-off dates for introduction and consideration of bills. ....	718	722	.....	.....	.....	.....	.....	.....	.....

**TITLE AND HISTORY OF HOUSE CONCURRENT RESOLUTIONS IN THE SENATE—Continued**

NUMBER, AUTHOR AND SUBJECT	Message From House	Introduction, First Reading and Committee Referral	Report of Committee	Second Reading and Amendments	Third Reading	Vote on Final Passage	Other Action in Senate	Signed by Speaker of the House	Signed by President of the Senate
33. Representatives Bradley, Anderson, Charette and Zimmerman: Calling for study of need for personal use clam licenses. ....	1130	1131	1372						
35. Representatives Shinpoch, Lynch, Maxie, King, Kiskaddon, Rabel, Douthwaite, Knowles, Anderson, Goldsworthy, Shera, Benitz, Bottiger, Gladder and Bluechel: Directing study of college credit transfers. ....	1373	1374	1620	1955	1955	1955		2005	2007
39. Representatives Smythe, Thompson, North and Haussler: Providing for advisory committee to study alternative statutory optional model county charters. ....	1146	1146	1898	1956	1956	1956		2005	2007
41. Representatives Kopet, Shera, Goldsworthy, Chatalas and Marsh: Requesting the legislative budget committee to study alternative ways of state pension funding. ....	1676	1824		1824	1824	1825		2005	2007
42. Representatives Berentson, Bledsoe, Wolf, Martinis, Charette, Perry and Marsh: Expediting highway construction contracts to relieve unemployment. ....	1678	1824		1824	1824	1824		2005	2007
44. Representative Bledsoe: Appointing committee to notify Governor the legislature is about to adjourn <i>SINE DIE</i> . ....	2003	2003		2003	2003	2003	2005	2005	2007

## ABORTION:

Pregnancy termination, certificate filing required, SB 60.

## ACADEMIES:

Law enforcement officer's training commission, SB 643.

## ACCIDENTS:

Aircraft, state, downed rescue transmitter, required, HB 160.

Bumpers, energy absorption systems, motor vehicles, equipment required, HB 261, SB 191.

Emergency care, physician, hospital, liability limitation, SB 227.

Without fee, liability limitation, SB 227(a).

Glass, safety glazing material, use, required, SB 736.

Motor vehicle, deposit security, property damage amount, minimum increased, SB 50.

Fatalities, drivers, pedestrians, blood samples required, \*SB 467, CH. 270 EX.

Operators, nonresident, summons service, fee increased, HB 227.

Prevention, industrial insurance, incentives, protective premium formula, building industry, dividend returns, \*SB 472, CH. 274 EX.

Traffic, habitual offenders, penalties procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.

## ACCOUNTANCY BOARD:

Duties, transferred, finance and business regulation department, SB 711.

## ACCUSED PERSONS:

Rendition, uniform act, enacted, \*SB 249, CH. 17 EX.

## ACTS:

Administrative procedure act, SB 657.

Higher education, established, \*SB 469, CH. 57 EX.

Agricultural labor relations, HB 550, SB 445.

Alcoholism and intoxication treatment, SB 205.

Automotive repair responsibility, SB 105, Sub SB 105.

Beverage, control, return, recycling, SB 513.

Campaign expenditures reporting, SB 357, HB 725(a).

Coastal waters protection, SB 483, \*Sub HB 655, CH. 180 EX.

Collection agency, SB 796, \*Sub SB 796, CH. 253 EX.

Controlled substances, drugs, uniform act, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.

Criminal extradition, uniform act, \*SB 514, CH. 46 EX.

Investigatory, grand juries summons, SB 239, \*HB 175, CH. 67 EX.

Dental disciplinary board, HB 310.

Economic opportunity, programs, state, local participation, provisions, \*HB 430, CH. 177 EX.

Educational service corporation, SB 464(a), SB 911.

Emergency services, department, HB 78.

Environmental policy, \*SB 545, CH. 109 EX.

Protection, SB 560.

Franchise investment protection, \*SB 755, CH. 252 EX.

Habitual traffic offenders, SB 362, \*Sub HB 321, CH. 284 EX. PV.

Installment loan, SB 766.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

ACTS—Continued:

- Insurance guaranty association, \*SB 18, CH. 265 EX.
- Interlocal cooperation act, participation, certain Indian tribes, included, HB 272, \*SB 107, CH. 33.
- Judges, public employees' system, former membership reinstatement, prior service credit, SB 809(a), \*SB 59, CH. 267 EX.
- Judicial retirement system, \*SB 59, CH. 267 EX.
- Labor relations, SB 371.
- Land use management, SB 830.
- Life and disability insurance guaranty association, \*SB 17, CH. 259 EX.
- Litter control, SB 297.
- Litter, model act, INT 40, SB 876, \*SB 428, CH. 307 EX. PV.
- Marriage, divorce, uniform act, SB 576.  
Title only, SB 827.
- Milk pooling, \*HB 52, CH. 230 EX.
- Motor vehicle basic protection insurance, SB 654.
- Mutual housing and environmental act, SB 316.
- Nisqually delta preservation, title only, SB 908.
- Ombudsman, SB 167.
- Open public meetings, \*SB 485, CH. 250 EX.
- Pesticide control, SB 498, \*HB 540, CH. 190 EX.
- Plumbers licensing, SB 254.
- Pollution disclosure, \*Sub HB 595, CH. 160 EX.
- Postal savings system accounts, model act, \*SB 71, CH. 68 EX.
- Pressure systems safety, enacted, SB 416, Sub SB 416.
- Principal and income, enacted, \*HB 66, CH. 74.
- Public broadcasting, HB 445, SB 330.
- Regional development, SB 700, Sub SB 700.
- Rendition of accused persons, enacted, \*SB 249, CH. 17 EX.
- Residential landlord-tenant, SB 591.
- School district income tax authorization, SB 634, SB 927.  
Professional negotiations, SB 653.
- Shoreline management act, SB 584, \*Sub HB 584, CH. 286 EX. PV.  
Protection, INT. 43, SB 174.
- Snowmobile, \*SB 156, CH. 29 EX.
- Special fuel tax, \*Sub HB 247, CH. 175 EX.
- State parks and recreation act, title only, SB 426.
- Tax reform, SB 924.
- Truth in pollution, SB 358.
- Unified county services district, SB 388.
- Unit, pricing, SB 315.
- Vehicle inspection, SB 621.
- Vocational education, title only, SB 534.
- Voting rights, SB 400.
- Water resources, \*HB 394, CH. 225 EX.  
Well construction, \*HB 495, CH. 212 EX.

ADAMS, CONGRESSMAN BROCK:

Presented to Senate . . . . . p. 524

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## ADAMS, O. C.:

Columbia basin community college, trustee board  
member, appointment, confirmation, \*\*GA 52 . . . . . pp. 104, 901, 1302

## ADMINISTRATIVE PROCEDURE ACT:

Higher education institutions, established, \*SB 469, CH. 57 EX.  
Liquor board regulations, filing, \*HB 266, CH. 62.  
Motor vehicle department, vehicle wreckers, license denials, suspensions, revocations,  
provisions, inclusion, \*SB 49, CH. 7 EX.  
Motor vehicle operators, licenses, denials, suspensions, provisions exemption, \*HB 55,  
CH. 21.  
Non-emergency rules, legislative approval required, SB 657.  
Rules, procedures, agency filing, legislative council, review purposes, HB 1085.

## ADOPTION:

Children, difficult to place, aid payments, SB 128, Sub SB 128.  
Hard to place, fee payments, waiver authorized, \*Sub HB 768, CH. 63 EX.  
Petitioners, prospective, preplacement study, provisions, \*Sub HB 762, CH. 172 EX.

## ADVERTISING:

Health professions, certain advertising, permitted, SB 307.  
Highways, state, signs, adjacent, regulation, SB 376, \*SB 635, CH. 62 EX.  
Outdoor, along interstate highways, controls established, incentive claim payment,  
petitioned, \*SJM 15.  
Property, personal, tangible, displayed six months, taxes imposed, SB 920.  
Telephone, justice court judges, classified pages, prohibited, SB 585.  
Unfair, deceptive, printers, publishers, broadcasters, liability, knowledge required, SB  
792(a).  
Venereal disease, contraceptives, treatment, medicine, prohibition removed, SB 505,  
\*HB 853, CH. 185 EX.

## AERONAUTICS COMMISSION:

Aircraft, state, lease, purchase, maximum interagency use, coordination provisions, \*Sub  
HB 151, CH. 275 EX. PV.  
Airports, licenses, issuance, HB 121.  
Hansey, Donald G. member, appointment, confirmation, \*\*GA 7 . . . pp. 97, 159, 224  
Koss, Dr. George, member, appointment, GA 8 . . . . . p. 97

## AEROSPACE:

Scientists, engineers, employment, special public corporation, petitioned, HJM 21.

## AFFIDAVITS:

Debts, deceased persons, collection by affidavit, SB 38.

## AGATE:

State gem, designation, HB 386.

## AGE:

Eighteen year olds, legal majority, certain purposes, provisions, \*Sub HB 309, CH. 292  
EX. PV.  
Voting age, national elections, special voters, provisions, \*Sub HB 433, CH. 178 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**AGED PERSONS:** (see also Senior Citizens)

Apartments, cooperative association, residence, tax exemption purposes, definition inclusion, SB 916.

Old age assistance recipients, certain home assistance aides, provisions, SB 517.

Public accommodation buildings, design standards, \*HB 841, CH. 219 EX.

Public assistance, eligibility, inability to obtain employment, denial not permitted, SB 455.

Taxes, real property, exemption increased, SB 45.

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Collection, regulation licensing, SB 796.

Employment, regulation, general revisions, SB 548.

Nuclear steam plant facility, jointly operated, in lieu tax payments, exempt, \*HB 82, CH. 75 EX.

Public, air space corridors, acquisition provisions, \*SB 363, CH. 39 EX.

Definition, certain Indian tribes, included, HB 272, \*SB 107, CH. 33.

Employees, tax deferred annuity plan, provisions, \*SB 659, CH. 264 EX.

Open public meetings, provisions, \*SB 485, CH. 250 EX.

School districts, joint purchasing, private schools, authorized, \*SB 266, CH. 26.

State, administrative rules, procedures, filing, legislative council, review purposes, HB 1085.

Legal services, attorney general payment, fund allocation provisions, \*SB 648, CH. 71 EX.

Revenue duties, functions, certain, revenue department transfer, coordination purposes, Sub HB 654, SB 414.

Rules, legislative council, biennial review required, SB 543.

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Real estate, school district land, sale authorized, HB 466.

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**AGRICULTURE AND LIVESTOCK:**

Agricultural commodity boards, producer-handlers, membership representation, \*HB 675, CH. 25.

Labor relations, act, HB 550, SB 445.

Agriculture and consumer services department, agriculture department renamed, HB 1116, SB 495.

Agriculture department, funds, interest, crediting provisions, HB 621.

Beef commission, assessments, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.

Commercial feed lots, cattle, identification, auditing, licensing, provisions, SB 725, \*HB 676, CH. 181 EX.

Commission merchants, agricultural products, regulations amended, \*HB 706, CH. 182 EX.

Fairs, amusement games, certain, authorized, SB 878.

Hay, open air yards, public warehouse definition, inclusion, \*HB 558, CH. 65.

Transportation, public highways, cargo manifest required, SB 880.

Hops, in transit, property tax exemption, SB 819, \*HB 860, CH. 137 EX.

Horticultural plants, grading, inspection, sales, regulations, \*SB 410, CH. 33 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## AGRICULTURE AND LIVESTOCK—Continued:

- Livestock, brand inspection, feedlots, slaughtering establishments, registration changes, SB 285.
- Livestock, brands, healed, more than one, ownership, additional proof, requirement, \*HB 727, CH. 135 EX.
  - Inspection, fee schedules, establishment provisions, \*HB 727, CH. 135 EX.
  - Local law enforcement agencies, contracts authorized, \*HB 727, CH. 135 EX.
  - Mandatory, locations, provisions, \*HB 727, CH. 135 EX.
  - Recording, renewals, fees increased, \*HB 727, CH. 135 EX.
  - Personal property tax assessment, monthly average holdings basis, HB 881.
  - Public markets, regulations amended, \*HB 705, CH. 192 EX.
- Meat, custom facilities, licensing, regulation, SB 446, \*Sub SB 446, CH. 98 EX.
  - Poultry inspection, federal regulations, state adoption, \*SB 525, CH. 108 EX.
- Pesticides, application, licensing, operation, general revisions, \*HB 636, CH. 191 EX.
  - Poisonings, dangers, health and social services department, investigation authority, \*HB 415, CH. 41 EX.
  - Regulation, control board established, SB 498, \*HB 540, CH. 190 EX.
- Pets, communicable diseases, protection, control, provisions, \*SB 228, CH. 72.
- Title only, SB 881.

## AIR:

- Ecology department, water air resources program, integration, HB 480.
- Forest fires, control fires air pollution permits, exempted, SB 801.
- Industrial waste discharges, reporting, disclosure provisions, \*Sub HB 595, CH. 160 EX.
  - Monitoring fees, required, SB 358.
- Pollution control facilities, port districts operation, provisions, SB 771.
- Pollution, control, plans, procedures, emergency actions, provisions, SB 481, \*HB 992, CH. 194 EX.
  - Episodes, emission reduction, avoidance, provisions, SB 481, \*HB 992, CH. 194 EX.
  - Fire permits, certain purposes, issuance provisions, \*Sub HB 772, CH. 232 EX.
  - Motor vehicles, engines operating, stationary position, time limitation provision, HB 605(a).
    - Exhaust emissions, air contaminants, controls, standards, HB 605(a).
    - Smoke, odor control, provisions, HB 605.
    - State purchases, propulsion systems, information, HB 544.
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  - Violation, penalties increased, SB 348.

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- Public agencies, air space corridors, acquisition provisions, \*SB 363, CH. 39 EX.

## AIRCRAFT:

- Drug transportation, unlawful, conveyance forfeiture, SB 20, \*2nd Sub SB 146, CH. 308 EX. PV.
- Fuel, excise tax, extended, SB 676.
  - Uncollected, payment provisions, \*HB 56, CH. 156 EX.
- Glider, definition, tax purposes, HB 153(a).
- Registration, certain aircraft, exempt, HB 153.
- SST program, decision to halt, congressional reconsideration petitioned, HJM 22.
- State, downed rescue transmitter, required, HB 160.
  - Lease, purchase, maximum interagency use, coordination provisions, \*Sub HB 151, CH. 275 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## AIRCRAFT—Continued:

- Tax, excise, tax appeal board, jurisdiction, HB 306.
- Transportation, interstate, regulation, SB 361.

## AIRPORTS:

- Licensing, aeronautics commission, issuance, HB 121.
- Municipal, revenue warrants, issuance authorized, SB 218, \*HB 403, CH. 176 EX.
- Taxation, open-space land tax basis, HB 155.

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- Council on higher education, member, appointment, GA 12 . . . . . p. 98

## ALCOHOL AND ALCOHOLISM:

- Crime, provisions repealed, SB 205.
- Dance halls, set-up service permitted, special class X liquor license, established, SB 555.
- Liquor sales, election days, prohibition removed, \*SB 612, CH. 112 EX.
- Minors, drug, alcoholic abuse care, without parental consent authorized, \*SB 273, CH. 304 EX. PV.
- Motor vehicle accident fatalities, drivers, pedestrians, blood samples required, \*SB 467, CH. 270 EX.
- Programs, facilities, cities, counties, state financial assistance, social and health services, approval requirement, \*SB 214, CH. 104 EX. PV.
- Public assistance recipients, rehabilitation patients, assistance continued, SB 215, Sub SB 215.
- Treatment centers, drug, alcohol, formation, funding, Sub HB 219, \*SB 273, CH. 304 EX. PV.
- Facilities, studies, social and health services department, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Voluntary submission, confidentiality, SB 807.

## ALCOHOLIC BEVERAGES:

- Agency vendors, part-time, civil service exempt, \*HB 270, CH. 59 EX.
- Candidates, purchases, for certain persons, election day, prohibited, \*SB 612, CH. 112 EX.
- Civic centers, class H licenses, issuance provisions, SB 490, \*HB 876, CH. 208 EX.
- Class H licensees, minor employees, serving, selling, permitted, HB 875.
- Class H licenses, discriminatory, exclusionary organizations, discount prohibited, SB 461.
- Containers, shipping, damaged, sale provisions, SB 529.
- Control, title only, SB 712, SB 800.
- Identification cards, certain, acceptable, liquor purchase purposes, \*SB 163, CH. 15 EX.
- Licensed premises, gambling activities, communication facilities removal, license suspension mandatory, SB 832.
- Liquor licenses, transfers, licensee residence requirements, transfer fees, revisions, \*HB 267, CH. 70.
- Motor vehicle operators, intoxicated, conditional suspended sentences, \*Sub HB 321, CH. 284 EX. PV.
- Under influence drugs, liquor, jail sentence, fine, suspension provisions, \*Sub HB 321, CH. 284 EX. PV.
- Regulations, liquor control board, filing, code revisor's office, required, \*HB 266, CH. 62.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**ALCOHOLIC BEVERAGES—Continued:**

- Salesmen, beer, wine, canvassing, certificate of approval, \*HB 115, CH. 138 EX.
- Tax, city, county share, alcoholism program, allocation, provision, \*SB 214, CH. 104 EX. PV.
- Excise, increased, \*Sub SB 897, CH. 299 EX. PV.
- Wines, class C, F, H licenses, 15% discounted, entitlement, SB 719.
- Classified, commercial, premium, sale provisions, SB 726.

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**ALL-TERRAIN VEHICLES:**

- Fuel, refunds, trail maintenance use, provisions, \*Sub SB 372, CH. 47 EX.
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- Registration, use, operation, regulations, \*Sub SB 372, CH. 47 EX.

**AMBULANCES:**

- County system, establishment, SB 123.
- Emergency services, inspection, regulation, SB 113.

**AMUSEMENTS:**

- Games, certain, agricultural fairs, authorized, SB 878.
- Authorized, SB 200, \*HB 291, CH. 280 EX. PV.

**ANDERSEN, SENATOR JAMES A.:**

- Notice of reconsideration after seven days, Senate rule 71A . . . . . p. 1288
- Personal privileges, SSB 151 . . . . . p. 609
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- Protest, ESHB 151 . . . . . p. 1757
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- Remarks, attorney general's message, redistricting . . . . . pp. 91, 94-95

**ANDERSON, DONALD E.:**

- Tacoma community college, trustee board member, appointment, confirmation, \*\*GA 55 . . . . . pp. 105, 901, 1303

**ANIMALS:**

- Cattle, commercial feed lots, identification, auditing, licensing, provisions, SB 725, \*HB 676, CH. 181 EX.
- Dangerous, deleterious to environment, native fish, wildlife, possession, sale, prohibited, \*HB 106, CH. 166 EX.
- Deer, elk, emergency periods, protection from dogs, provisions, \*HB 773, CH. 183 EX.
- Dog, cat theft, crime, SB 332.
- Dogs, biting, individuals, invitees on private property, liability, HB 606.
- Endangered species, protection, \*HB 106, CH. 166 EX.
- Livestock, brands, healed, more than one, ownership, additional proof, requirement, \*HB 727, CH. 135 EX.
- Inspection, feedlots, slaughtering establishments, registration changes, SB 385.
- Fee schedules, establishment provisions, \*HB 727, CH. 135 EX.
- Local law enforcement agencies, contracts authorized, \*HB 727, CH. 135 EX.
- Mandatory, locations, provisions, \*HB 727, CH. 135 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## ANIMALS—Continued:

- Recording, renewals, fees increased, \*HB 727, CH. 135 EX.
- Diagnostic service, support, slaughter assessment, SB 135.
- Public markets, regulations amended, \*HB 705, CH. 192 EX.
- Meat, custom facilities, licensing, regulation, SB 446, \*Sub SB 446, CH. 98 EX.
- Nondomestic, game, importation, release, regulation, SB 55.
- Pets, communicable diseases, protection, control, provisions, \*SB 228, CH. 72.
- Privately owned, hunting misdemeanor, SB 459.
- Protection, proposed legislation, study, SCR 20.
- Snowmobiles, wild, domestic animals, harassing, hunting, crime, \*SB 156, CH. 29 EX.
- Wild, any nondomesticated species, importation, regulation, SB 460.
- Captivity, protection provision, SB 350.

## ANNEXATION:

- Cities, towns, proceedings, established, SB 365.
- County annexation review, optional municipal code, provisions, SB 678, \*Sub SB 678, CH. 251 EX.
- Ordinances, resolutions, original annexation documents, filing provisions, SB 86.
- Port districts, areas, not part of existing district, provisions, \*HB 88, CH. 157 EX.
- School property, to cities, towns, permitted, SB 148, \*HB 250, CH. 69.
- Taxing districts, tax increase, 106% limitation, SB 1, SB 855, \*Sub HB 283, CH. 288 EX. PV.

## ANNUAL SESSIONS:

- Legislature, 90/30 days, HJR 34.
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## ANNUITIES:

- Public, employees, tax deferred annuity plan, provisions, \*SB 659, CH. 264 EX.
- Tax deferred, social and health employees, provisions, SB 272.

## ANTENNAS:

- Television, reception improvement districts, authorized, financing provisions, \*Sub HB 1041, CH. 155 EX.

## ANTI-TRUST LAWS:

- Natural gas companies, mergers, pre-1960, anti-trust laws exemption, petitioned, \*SJM 17.

## APARTMENTS:

- Cooperative, association, residence, senior citizens tax exemption purposes, definition inclusion, SB 916.
- High-rise, multi-storied, waterfront construction restrictions, SB 54.

## APPEALS:

- Appeals court, appeal procedures, general revisions, \*SB 449, CH. 107 EX.
- Procedures, provisions, existing laws, inclusion, \*SB 122, CH. 81.
- Court commissioner judgments, appropriate court provision, HB 154.
- Purchasing, board, created, duties, SB 305.
- Tax, aircraft, excise, tax appeals board, jurisdiction, HB 306.
- Taxes, property, appeals referrals, equalization board duties, HB 518.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**APPEALS COURT:**

- Appeals procedures, general revisions, \*SB 449, CH. 107 EX.
- Budget, estimates, submission to governor, provision, SB 448.
- Decisions, precedential value opinions, publication provisions, SB 390, \*Sub SB 390, CH. 41.
- Publication, supervision commission jurisdiction, \*SB 447, CH. 42.
- Judges, law defects, omissions, supreme court report provision, \*SB 449, CH. 107 EX.
- Public employees' system, former membership reinstatement, prior service credits, SB 809(a), \*SB 59, CH. 267 EX.
- Retirement system inclusion, \*SB 79, CH. 30.
- State employees' health care plan, inclusion, HB 816, SB 366, SB 510.
- Judicial council membership, additional judges included, HB 185, \*SB 241, CH. 40.
- Provisions, existing laws, inclusion, \*SB 122, CH. 81.
- Publication supervision commission, membership, appeals court judge added, \*SB 447, CH. 42.
- Reports, publication, distribution provisions, \*SB 447, CH. 42.
- Sentences, imprisonment, imposition, excessive basis, appeal provision, SB 904.
- Supreme, appeals courts, general revisions, SB 121.
- U.S., Seattle based, creation petitioned, SJM 7.

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- Apprenticeship council, created, SB 509.
- Programs, discrimination, prohibited, SB 300.

**APPROPRIATIONS:**

- Attorney general, welfare fraud cases, prosecution expenses, HB 682.
- Budget, supplemental, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- Capital improvements budget, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
- Community college board, capital projects, improvements, allocation, SB 860.
- Crime innocent victims compensation board, SB 75.
- Dental disciplinary board, HB 310.
- Drugs, abuse control, title only, SB 5.
- Ecology department, shorelines management act, administration, \*Sub HB 584, CH. 286 EX. PV.
- Water pollution control facilities construction, \*HB 832, CH. 20 EX.
- Education board, financial assistance program, elementary, secondary, disadvantaged students, SB 264.
- Elections commission, campaign expenditures reporting act, administration, HB 725(a).
- Enforcement officers' training commission, SB 643.
- Game department, snowmobiles, regulation facilities operation, \*SB 156, CH. 29 EX.
- Governmental cooperation, joint committee, federal aid programs study, created, SB 922.
- Head start, projects, office of economic opportunity, supplementation, \*Sub HB 151, CH. 275 EX. PV.
- Highway commission, Cathlamet-Ryderwood, highway route, feasibility study, SB 891.
- Classification board, SB 360.
- Point Ellice to Skamokawa, planning, right of way acquisition, SB 106.
- Maintenance, HB 356, SB 173.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## APPROPRIATIONS—Continued:

- Operation, HB 356(a).
- Payment, \*SB 567, CH. 254 EX.
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- Highways, operations, capital improvements, 1971-73 biennium, \*Sub HB 510, CH. 290 EX. PV.
- Industrial dispersion authority, SB 39.
- Diversification authority, SB 41.
- Industrial insurance, prior pensioners, payment increase, SB 69.
- Labor and industries department, agricultural labor relations act, administration, HB 550.
- Land planning, state commission, \*HB 865, CH. 287 EX. PV.
- Legislative budget committee, data processing services, \*SB 171, CH. 2.
- State retirement systems, funding, alternative ways, study, \*Sub HB 151, CH. 275 EX. PV.
- Legislative redistricting, problems, interim work, House, Senate, \*Sub SB 926, CH. 301 EX. PV.
- Legislative transportation committee, \*HB 892, CH. 195 EX.
- Legislature, extraordinary session, costs, expenses, \*SB 879, CH. 14 EX.
- Operation, costs, expenses, \*SB 171, CH. 2.
- Lower Columbia community college, supplemental appropriation, 1971-73 biennium budget, SB 921.
- Lower Granite construction, supplemental federal appropriation, petitioned, SJM 9.
- Mortgage insurance fund, SB 33.
- Industrial finance authority, SB 294.
- Motor vehicle department, personalized license service, \*SB 720, CH. 114 EX.
- Municipal committee, liquor revolving fund, local-state government relationship, study purposes, SB 682.
- Natural resources department, forest fire suppression costs, contingency funds, supplemental, \*HB 688, CH. 50 EX.
- Landowner contingency forest fire suppression account, \*HB 1034, CH. 207 EX.
- Northern state hospital, operation, SB 202.
- Olympic center, operation, SB 187.
- Omnibus state government appropriation, 1971-73 biennium, \*Sub HB 151, CH. 275 EX. PV.
- Outdoor interagency committee, all-terrain vehicle funds, trail allocation provisions, \*Sub SB 372, CH. 47 EX.
- Parks and recreation commission, snowmobiles, regulation facilities operation, \*SB 156, CH. 29 EX.
- Procedures, other states, review, study, HCR 28.
- Public assistance division, emergency funds, current biennium, appropriation, SB 919.
- Retirement, public employees' system, payments, departmental budget funds use, provision, \*Sub HB 151, CH. 275 EX. PV.
- Revenue department, county real property revaluation plans, assistance, \*Sub HB 151, CH. 275 EX. PV.
- School building bond redemption fund, construction fund interest, provision, \*Sub HB 151, CH. 275 EX. PV.
- Seattle community college, south campus, engineering technology building, construct, equip, provision, \*Sub HB 152, CH. 276 EX. PV.
- Secretary of state, Initiative 43, voters' pamphlet, comparative maps, captions, inclusion, HB 463(a).

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

APPROPRIATIONS—Continued:

- Social and health services department, child care services, demonstration, pilot projects, Sub SB 152.
- County infirmaries, public assistance recipients, services, reimbursement, \*HB 313, CH. 277 EX. PV.
- Fort Worden operation, SB 471.
- Local kidney centers, support, \*Sub HB 151, CH. 275 EX. PV.
- Supplemental appropriation, public assistance recipients, nursing homes, SB 386.
- Tuberculosis facilities, \*HB 313, CH. 277 EX. PV.
- State government, budget, supplemental, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- Capital improvements budget, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
- Fund allotments, altering, limiting, program planning and fiscal management office, provisions, \*Sub HB 151, CH. 275 EX. PV.
- Omnibus appropriation, 1971-73 biennium, \*Sub HB 151, CH. 275 EX. PV.
- Supplemental, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- State, local improvements revolving account, supplemental, Sub HB 777.
- Statute law committee, bill drafting, legislative information system, \*SB 171, CH. 2.
- Extraordinary session, bill drafting, legislative information system, \*SB 879, CH. 14 EX.
- Session laws publication, \*HB 878, CH. 5 EX.
- Supplemental, state, local improvements revolving account, Sub HB 777.
- Tax committee, permanent, created, duties, \*Sub HB 283, CH. 288 EX. PV.
- Tax deferral commission, SB 301.
- Utilities and transportation commission, highway grade crossing protection program, administration, \*Sub HB 510, CH. 290 EX. PV.

AQUACULTURE:

- Fish farming, permitted, licensing, SB 142, \*Sub SB 142, CH. 35.

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- Clover Park community college, trustee board member, appointment, GA 42 . . . . . pp. 103, 900

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- Services, sales tax imposed, SB 931.

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- Legislative records, public, personal, preservation provisions, SB 90, \*Sub SB 90, CH. 102 EX.
- Records, local, disposition schedules, \*SB 302, CH. 10 EX.

ARREST:

- Felons, charge reductions, plea bargaining prohibited, SB 765.
- Game protectors, powers, \*HB 113, CH. 173 EX.
- Indians, fishing, treaty rights exercise, arrest immunity, SB 721.
- Litterers, game protectors, arrest powers, \*HB 113, CH. 173 EX.

ASBESTOS:

- Manufacturing, construction use, regulation, HB 927.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## ASIAN DEVELOPMENT BANK:

Mutual savings banks, investment authorized, HB 349, \*HB 642, CH. 222 EX.  
 State retirement system, funds, investment authorized, HB 349.

## ASSESSMENTS:

Beef commission, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.  
 County assessors, administrative operation costs, local government share, payment provisions, SB 587.  
 Forest fires, protection assessments increased, SB 624, \*HB 1034, CH. 207 EX.  
 Fruit trees, seedlings, rootstock, tax assessment, annual, imposed, \*SB 410, CH. 33 EX. PV.  
 LID, payment deferrals, relief, certain individuals, SB 589, SB 760.  
 Litter, manufacturers, retailers, imposition, use, provisions, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.  
 Livestock diagnostic service, support, slaughter assessment, SB 135.  
 Local improvement districts, nature, amount, real property owner notice requirement, HB 704.  
 Milk producers, pooling act purposes, department of agriculture, administration, \*HB 52, CH. 230 EX.  
 Parking, business improvement areas, special, cities, towns, counties, authorized, \*SB 130, CH. 45 EX.  
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 Property tax, appeals, petitions, information manual, preparation, provisions, HB 167.  
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 Townships, excess property levies, assessment authorized, SB 851.  
 Underground wiring, road improvement districts, communication facilities, installation, cost provisions, \*SB 164, CH. 103 EX.  
 Water, sewer districts, state lands, authorized, \*SB 314, CH. 234 EX.  
 Weed districts, highway rights of way, motor vehicle funds, payment provision, \*SB 883, CH. 119 EX.

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Bulk sales transfer, immediate transfers, permitted, \*HB 206, CH. 23.

## ASSOCIATIONS:

Bank stock, corporation acquisition restriction, SB 276.  
 Capitol historical, state, endowments, acceptance authorized, HB 173.  
 Cities, towns, employees, state-wide city employees' retirement system, membership authorized, SB 756.  
 Cooperatives, corporations, merger provisions, \*HB 800, CH. 221 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## ASSOCIATIONS—Continued:

- Domestic, annual license, failure to pay, certified mail notice, requirement deleted, \*HB 225, CH. 142 EX.
- Insolvent firms, life and disability guaranty association, claimant payment, \*SB 17, CH. 259 EX.
- Insurance guaranty, created, \*SB 18, CH. 265 EX.
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- Nonprofit, existence cessation, certified mail notice, requirement deleted, \*HB 222, CH. 128 EX.
- Professional, health care contractors, dentists, employment provisions, SB 590.
- Records, filings, information, fees, revisions, HB 253.
- Political subdivisions, employees, public employees' retirement system, membership authorized, \*SB 522, CH. 271 EX.
- Port, public, district minimum dues, SB 149.
- Savings, loan, title only, SB 780.

## ATOMIC ENERGY:

- Nuclear energy, peaceful utilization, title only, SB 748.
- Nuclear fuel assemblies, manufacture, B & O tax imposed, \*HB 888, CH. 186 EX.
- Steam generating facilities, in lieu tax payments, exemption removed, \*HB 82, CH. 75 EX.

## ATTORNEY GENERAL:

- Assistants, special, fee arrangements, written record, SB 377.
- Law practice, private, prohibited, SB 36.
- Legal services, state agencies, fund allocation, payment provisions, \*SB 648, CH. 71 EX.
- Message, redistricting operations . . . . . pp. 90, 94-95
- Recalls, charges, constitutional requirements, time limitation, provisions, \*Sub HB 214, CH. 205 EX.
- Small claims, certain plaintiffs, representation, SB 212.
- Water, shoreland, tideland, rights, civil action filings, notification required, HB 979.
- Welfare frauds, certain cases, prosecution authorized, HB 682.

## ATTORNEYS:

- Attorney general, special assistants, fee arrangements, written record, SB 377.
- Staff, private practice prohibited, SB 36.
- Counsel, indigent juveniles, delinquents, state provisions, SB 57.
- Ethics, professional, rules, supreme court adoption, HB 233.
- Fees, air space condemnation proceedings, condemnee award provisions, \*SB 363, CH. 39 EX.
- Certain civil cases, increase, SB 250.
- Damage actions, less than \$1000, allowance, SB 92.
- Divorce case preparation expenses, provisions, SB 237.
- Justice court civil actions, reasonable, provisions, SB 631.
- Personal injury actions, provisions, SB 666.
- Public assistance medical aid lien, proportioned share, SB 114.
- Real property condemnation, condemnees, payment authorized, SB 770, \*Sub SB 770, CH. 240 EX.
- Public assistance recipients, fraudulent, ineligible, reporting, reward, court suit, provisions, SB 747.
- Services, group, prepaid, authorized, SB 846.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## ATTORNEYS—Continued:

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## AUDITS:

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## AUTHORITIES:

Housing, class A counties, east of Cascade mountains, need, referendum provision, \*SB 884, CH. 300 EX. PV.  
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Regional economic development, created, powers, duties, SB 700, Sub SB 700.  
State building, indebtedness, bonds, issuance, refunding, provisions, SB 639, \*HB 817, CH. 154 EX.

## AUTOMATED DATA PROCESSING:

Computer services, B & O tax, parent corporation, compensation deduction, SB 754, \*HB 144 VETOED.  
Land use, data bank, design expansion, natural resources department, provision, \*SB 314, CH. 234 EX.  
Information bank, state-wide, development, pilot project provision, \*HB 865, CH. 287 EX. PV.  
Legislative budget committee, data processing services, appropriation, \*SB 171, CH. 2.  
Public assistance recipients, eligibility review, computer program updating, \*Sub HB 151, CH. 275 EX. PV.  
Voter registration records, uniform regulations, secretary of state, provisions, SB 583, \*HB 372, CH. 202 EX.

## AUTOPSIES:

Prisoners, deaths, provision, SB 63.

## AVALANCHES:

Areas, zones established, land use, building regulated, SB 547.

## AWARDS:

Safety, county employees, authorized, \*HB 523, CH. 79.

## BACHOFNER, WILL:

Meritorious service, commended, \*HCR 16.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**BACON:**

Packaging, standards, \*HB 41, CH. 49.

**BAIL:**

Bonds, imposition, amounts, violations, established, SB 442.

**BAILEY, SENATOR ROBERT C.:**

Accomplishments of Senate . . . . . pp. 1994-1995  
 Bills, copies of, on desk when on final passage . . . . . pp. 75, 83  
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 ESSB 93, p. 1450; SB 288, p. 1836  
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**BAKER, TOM:**

Trustee board member, Walla Walla community college,  
 appointment, confirmation, \*\*GA 65 . . . . . pp. 1020, 1085, 1304

**BAKING AND BAKERIES:**

Flour, enriched, bread, rolls, macaroni, use required, \*SB 131, CH. 27.

**BALLOTS:**

Absentee, precinct committeemen candidates, name included, SB 554.  
 Candidates, name, occupation, identification provisions, SB 248.  
 Elections, primary, open state, provisions, SB 479.  
 Precinct committeeman, name on ballot, twice, permitted, \*HB 245, CH. 18.  
 Titles, initiatives, referendums, for and against votes, clarification, HB 599, SB 199.

**BANKRUPTCY:**

Insurance firms, guaranty association, claimant payment provisions, \*SB 18, CH. 265  
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**BANKS AND BANKING:**

Banking, title only, SB 660, SB 663.  
 Blood, nonprofit, property, tax exempt, \*HB 1123, CH. 206 EX.  
 Bonds, civil actions, posting, not required, HB 262.  
 Branches, establishment, any place in state, authorized, SB 399.  
 Charitable trusts, reports, filing, general provisions, \*HB 84, CH. 226 EX.  
 Division, duties transferred, finance and business regulation department, SB 711.  
 Foreign, branches within state, establishment authorized, SB 868.  
 Investment, securities, SB 673.  
 Investments, U.S. mortgage corporation securities, authorized, HB 274.  
 Joint committee, banking, insurance and transportation, joint committee created, duties,  
 SB 668.  
 Joint interim committee, banking, insurance, utility regulation, established, duties, \*SCR  
 32.  
 Mutual savings, Asian development bank obligations, investment authorized, HB 349,  
 \*HB 642, CH. 222 EX.  
 Certain demand deposits, acceptance, SB 713.  
 General revisions, \*HB 642, CH. 222 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**BANKS AND BANKING—Continued:**

Low-cost housing, environmental improvements, high degree risk loans, authorized, SB 316.

Investment, SB 316.

Trust monies, public depositories, qualified, SB 677.

State depository, interest distribution, dates revised, \*SB 626, CH. 72 EX.

Stock, corporation acquisition restriction, SB 276.

**BARBERS:**

Beauty shops, men's haircutting, permitted, SB 347.

**BARKER, BOB:**

Television personality, honored, \*SFR 16 . . . . . p. 319

**BAY, MRS. T. J.:**

Trustee board member, Whatcom community college,

appointment, confirmation, \*\*GA 74 . . . . . pp. 1022, 1084, 1306

**BEACHES:**

Ocean, declared public areas, SB 111.

Traffic advisory committees, counties, three created, HB 555(a).

Vehicular traffic, regulation, HB 555, SB 111, SB 418.

**BEAUTY CULTURE:**

Beauty shops, men's haircutting, permitted, SB 347.

Manicuring, regulation, licensing, SB 347.

**BEEF: (see also Agriculture and Livestock)**

Commission, assessments, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.

**BEER:**

Salesmen, sale canvassing, certificate of approval, \*HB 115, CH. 138 EX.

**BELLEVUE COMMUNITY COLLEGE:**

Gardner, B. T., trustee board member, appointment,

confirmation, \*\*GA 37 . . . . . pp. 102, 899, 1298

Jaquette, Mrs. Harriet S., trustee board member, appointment,

confirmation, \*\*GA 38 . . . . . pp. 102, 899, 1299

**BEVERAGES:**

Containers, control, return, recycling, SB 513.

**BIDS:**

Capital projects, improvements, state budget funds use, competitive bids, contracts, required, \*Sub HB 152, CH. 276 EX. PV.

Colleges, universities, building construction, remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.

County contracts, award, bidder bond provisions, time specification revised, SB 833.

Electrical contractors, utility bid proposal, financial, experience statement filing, required, \*HB 813, CH. 220 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

BIDS—Continued:

- Highways, district engineers, bids, construction maintenance contracts, authorized, \*HB 397, CH. 78 EX.
- Emergency restoration, contract, provisions, \*SB 312, CH. 4.
- Plans, specifications, maps, contracts purposes, sale provisions, \*SB 143, CH. 36.
- Park lands, state, unneeded, disposal, low bids, rejection provision, \*SB 288, CH. 246 EX.
- Personal services, professional, cities, towns, bid requirements, exempted, SB 842.
- Port districts, contracts, provision revised, \*SB 373, CH. 258 EX.
- Public works, cities, towns, over \$5,000, high bid rejection, construction by municipality authorized, \*SB 863, CH. 116 EX.

BIG BEND COMMUNITY COLLEGE:

- Galbreath, Mrs. Alma, trustee board member, appointment, confirmation, \*\*GA 75 . . . . . pp. 1022, 1084, 1306
- Ludeman, Dick D., trustee board member, appointment, confirmation, \*\*GA 51 . . . . . pp. 104, 901, 1302

BIGGS, JOHN A.:

- Ecology department, director, appointment, confirmation, \*\*GA 4 . . . . . pp. 97, 1071, 1465

BILLBOARDS:

- Advertising, adjacent to highways, regulation, SB 376, \*SB 635, CH. 62 EX.

BILLS:

- Legislative, consideration, limitation, \*SCR 17.
- Regular session, retransmitted, retained by house of origin, \*SCR 17.
- Extraordinary session, HCR 31.
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- Senate Bill 88, Sec. 1, special consideration permitted, error correction purposes, \*SCR 24.
- Legislature, consideration, time extended, \*HCR 24.

BINGO:

- Authorized, charitable, nonprofit organizations, SB 200, \*HB 291, CH. 280 EX. PV.
- Defined, SB 607.

BIRDS:

- Pet, psitticine, communicable diseases, protection control, provisions, \*SB 228, CH. 72.
- Wild, any nondomesticated species, importation, regulation, SB 460.

BLIND:

- Assistance, applicants, age requirements, deleted, \*HB 416, CH. 169 EX.
- Commission, created, powers, duties, SB 93, Sub SB 93.
- Guide dogs, use, road crossings, traffic right of way, SB 632, \*HB 357, CH. 77 EX.
- Iowa State Commission, member, Dr. Kenneth Jernig presented . . . . . p. 733
- Motor vehicle licenses, excise fees, exempted, SB 887.
- Schools, division, state, jurisdiction transferred, blind commission, SB 93, Sub SB 93.
- Residential, students, financial responsibility provisions, SB 647, SB 866.
- Services, state, public assistance division, jurisdiction transferred, blind commission, Sub SB 93.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**BLOOD:**

- Banks, nonprofit, profit, tax exempt, \*HB 1123, CH. 206 EX.
- Intoxication test, motor vehicle implied consent, withdrawal, liability, HB 239.
- Motor vehicle accident fatalities, drivers, pedestrians, samples required, \*SB 467, CH. 270 EX.
- Test, marriage license prerequisite, SB 31.
- Transfusions, warranties, liability, immunity provision, \*HB 157, CH. 56.

**BLUE LIGHTS:**

- Funeral coaches, display, use, provision repealed, \*SB 136, CH. 92 EX.
- Police vehicles, use, regulation, SB 435, \*SB 136, CH. 92 EX.

**BOARDING HOMES:**

- License fee, increased, SB 767.
- Licenses, annual expiration date, provisions, \*SB 295, CH. 247 EX.

**BOARDS:**

- Accountancy, duties transferred, finance and business regulation department, SB 711.
- Administrative, abolished, duties transferred, HB 492.
- Agricultural commodity, producer-handlers, membership representation, \*HB 675, CH. 25.
- Labor, created, HB 550, SB 445.
- Boundary, review, water, sewer districts, service outside existing boundaries, notice of intention, filing required, SB 100, \*HB 133, CH. 127 EX.
- Collection agency, created, powers, duties, \*Sub SB 796, CH. 253 EX.
- Community college, state, consolidations, feasibility study, HCR 8.
- County annexation review, optional municipal code, provisions, SB 678, \*Sub SB 678, CH. 251 EX.
- County review, water, sewer district, formation, consolidation, mergers, intention notice, filing provision, SB 99, \*Sub HB 142, CH. 139 EX.
- Crime victims compensation created, SB 75.
- Dental disciplinary, created, HB 310.
- Education, state, election provisions revised, SB 13.
  - School district numbering system, responsibility, \*HB 109, CH. 54.
- Electrologists, examination, appeals, created, SB 709.
- Environmental protection boards created, powers, duties, SB 783.
- Equalization, counties, property tax appeals referrals, duties, HB 518.
  - Counties, special, general purposes, reconvening, SB 420.
  - State, duties transfer, code correction, SB 258.
- Forest fire advisory, created, \*HB 1034, CH. 207 EX.
- Gambling control, established, SB 119.
- Gas piping and gas appliance installer's advisory, SB 451.
- Geographic names, established, SB 338.
- Health, state, student disease, health, precautionary procedures, standards, establishment, \*SB 103, CH. 32.
- Highway classification, created, SB 360.
- Judicial retirement, established, \*SB 59, CH. 267 EX.
- Massage examining, created, SB 385.
- Meetings, open public, provisions, \*SB 485, CH. 250 EX.
- Mobile home and recreational vehicle advisory, additional member, \*HB 597, CH. 82 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## BOARDS—Continued:

- Naturopathic physicians, examining, created, Sub SB 494(a).
- Practitioners, examining, disciplinary, powers, duties, SB 494, Sub SB 494.
- Parks, recreation personnel examiners, established, SB 843.
- Pesticides advisory, membership increased, \*HB 636, CH. 191 EX.
- Control, established, SB 498, \*HB 540, CH. 190 EX.
- Pharmacy, fees increased, \*HB 411, CH. 201 EX.
- Uniform controlled substances act, administration, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.
- Plumbers, examining, created, powers, duties, SB 254, SB 397, Sub SB 397.
- Public employees' retirement, lieutenant governor member, SB 320.
- Purchasing appeals, created, duties, SB 305.
- Shorelines hearing, established, SB 584, \*Sub HB 584, CH. 286 EX. PV.
- Urban arterial, reporting, advance planning, time periods revised, \*HB 759, CH. 291 EX. PV.
- Vehicle repair, examining, created, SB 105, Sub SB 105.
- Volunteer firemen, duties transferred, finance and business regulation department, SB 711.
- Investment funds duties transferred, finance department, HB 1022(a).
- Washington state, hearing and fitting, established, SB 586.

## BOATS AND SHIPS:

- Boat transporters, covered vans, 14 foot height limitation provision, inclusion, SB 401.
- 14 foot height limitation provision, inclusion, \*Sub SB 401, CH. 248 EX.
- Boats, sale, without spouse's signature not permitted, HB 551.
- Charter boats, commercial fishing, licensing provisions, Sub HB 781, SB 417, \*HB 687, CH. 283 EX. PV.
- Drug transportation, unlawful, conveyance forfeiture, SB 20, \*2nd Sub SB 146, CH. 308 EX. PV.
- Ferries, construction, contract awards, excessive unemployment periods, state shipbuilder preference, provisions, \*SB 906, CH. 21 EX.
- Fishing, commercial licensed, salmon delivery permits issuance, SB 417.
- Salmon, commercial trolling, fishermen, personal commercial licenses, required, Sub HB 781, SB 544, \*HB 687, CH. 283 EX. PV.
- Marine recreation projects, cost, marine fuel tax use, amount limitation revised, \*HB 212, CH. 140 EX.
- Motorboats, uniform operation, registration, regulation, SB 304.
- Oil discharge, state waters, prevention, control, provisions, SB 483, \*Sub HB 655, CH. 180 EX.
- Spills, Puget Sound, tanker use alternatives, study, \*HCR 12.
- Tankers, pilot, navigation requirements, pollution control, violations reporting provisions, SB 557.
- Pilots, services, payment, vessel insurance, coverage provision, \*SB 465, CH. 297 EX. PV.
- Performance, investigation, hearings, provisions, \*SB 465, CH. 297 EX. PV.
- Pleasure craft, motor vehicle fuel tax, exemption repealed, Sub HB 730(a).
- Use fuel tax, portion, coastal protection fund, allocation, \*Sub HB 655, CH. 180 EX.
- Soviets, port use privileges, agreement reevaluation petitioned, HJM 16.
- Vessels, commercial marine, motor vehicle fuel excise tax, exempt, Sub HB 730.
- Uniform operation, registration, regulation, Sub HB 592, SB 452.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**BOEING:**

SST program, decision to halt, congressional reconsideration petitioned, HJM 22.

**BOILERS AND PRESSURE VESSELS:**

Definitions revised, regulation exemptions listed, SB 836.

Pressure systems safety act, enacted, SB 416, Sub SB 416.

Regulations, state, adoption by reference, counties, prohibited, \*SB 865, CH. 117 EX.

**BOMBS:**

Incendiary devices, defined, SB 432, \*Sub SB 441, CH. 302 EX. PV.

Possession, manufacture, use, crime, SB 432, \*Sub SB 441, CH. 302 EX. PV.

**BONDS:**

Bail, imposition, amounts, violations, established, SB 442.

Banks, savings and loan associations, civil actions, posting, not required, HB 262.

Citizens-legislative task force, established, capital improvements, state bond issues, program study, HB 778.

Colleges, universities, construction, financing, 100% general tuition fees pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.

Community colleges, bonding authority, provisions, SB 383.

Capital projects, improvements, bonds authorized, SB 860.

Contractors, county contracts, bid award, bond provision, time specification revised, SB 833.

In lieu performance, contract amount retention, percentage provision revised, SB 578.

Surety, amounts, schedule revised, SB 811.

Claims, priorities, revised, Sub HB 596.

Priorities revised, separate actions, judgments, payment provisions, Sub HB 596.

Counties, rate, double amendment, previous session, corrected, \*HB 95, CH. 9.

County, bonds, coupons, signature provision, expanded, seal imprinting, authorized, HB 516(a).

County officials, elected, certain, requirements, increased, \*SB 97, CH. 71.

Nonelected, provisions, \*SB 97, CH. 71.

Courts, inferior, fidelity, provisions, SB 74.

Hospital districts, taxing limits increased, revenue bonds issuance authorized, \*HB 1046, CH. 218 EX.

Industrial development, certain, registration, exempt, SB 777.

Local improvement districts, projects, deposit, return, provisions, HB 1070.

Motor vehicle dealers, surety, new schedule, \*HB 77, CH. 74 EX.

Municipal, revenue, general revisions, \*HB 622, CH. 223 EX.

Outdoor recreation fund, redemption, deposit date, established, \*SB 150, CH. 37.

School building bond redemption fund, cigarette tax distribution provisions, \*SB 262, CH. 70 EX.

Construction fund interest, appropriation, \*Sub HB 151, CH. 275 EX. PV.

School plant facilities, bond aid act, sales, provisions, \*SB 151, CH. 4 EX.

State building authority, indebtedness, issuance, refunding, provisions, SB 639, \*HB 817, CH. 154 EX.

State debt, incurrence, state finance committee control provisions, SB 642, \*HB 803, CH. 184 EX.

State treasurer, assistant, deputies, blanket coverage, \*HB 28, CH. 15.

Performance, amount increased, \*HB 27, CH. 14.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA.—Gubernatorial Appointment.

SFR.—Senate Floor Resolution.

(a)—Amendment to original bill.

**BONDS—Continued:**

- Student loan reserve, higher education, issuance provisions, SB 840.
- Unemployment compensation, payments, in lieu contributions, nonprofit organizations, discretionary, SB 120, \*HB 199, CH. 3.
- Urban arterial, payments, motor vehicle fuel tax, allocation provision, SB 912.
- Viet Nam veterans, bonus payment, SB 6.

**BONUSES:**

- Veterans, fund change provisions, SB 263.
- Viet Nam, payment, SB 6.

**BOOKMAKING:**

- Communication utilities, use, gambling activities, reporting provisions, SB 794.
- Liquor, licensed premises, gambling activities, communication facilities removal, license suspension mandatory, SB 832.

**BOTTLES:**

- Deposit charges, tax exempt, SB 87.

**BOUNDARIES:**

- Harbor, Kalama, Bremerton areas, relocation authorized, SB 161, \*HB 200, CH. 158 EX.
- Intermediate school districts, number, changes, property, assets transfers, state board of education, authorized, \*HB 86, CH. 282 EX. PV.
- Sewer districts boundaries, one or more counties, provisions, SB 542, \*Sub SB 542, CH. 272 EX.
- Sewer, water districts, mergers, review board, \*HB 567, CH. 146 EX.
- Subdivisions, plats, hearings publication notice defects, validation, \*SB 391 VETOED.
- Water, sewer, service, outside existing boundaries, notice of intention, filing requirement, SB 100, \*HB 133, CH. 127 EX.

**BRANDS:**

- Livestock, healed, more than one, ownership, additional proof, requirement, \*HB 727, CH. 135 EX.
- Inspection, feedlots, slaughtering establishments, regulation, SB 285.
- Fee schedules, establishment provisions, \*HB 727, CH. 135 EX.
- Local law enforcement agencies, contracts authorized, \*HB 727, CH. 135 EX.
- Mandatory, locations, provisions, \*HB 727, CH. 135 EX.
- Recording, renewals, fees increased, \*HB 727, CH. 135 EX.

**BRAZIER, DONALD H., JR.:**

- Utilities and transportation commission, chairman, appointment, confirmation, \*\*GA 56 . . . . . pp. 105, 589, 898

**BREAD:**

- Flour, enriched, use required, \*SB 131, CH. 27.

**BREMERTON:**

- Harbor, Port Washington narrows, Sinclair inlet, lines relocation, authorized, SB 161, \*HB 200, CH. 158 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**BROKERS:**

- Real estate, regulation, general revision, HB 501, SB 382.
- School district land, sales authorized, HB 466.

**BRUCKART, JOHN R., JR.:**

- Olympic community college, trustee board member, appointment, confirmation, \*\*GA 32 . . . . . pp. 101, 898, 1298

**BUDGETS:**

- Appeals court, estimates, submission to governor, provision, SB 448.
- Capital improvements, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
- Cities, towns, counties, expenditures, in excess of appropriations, officers, employees, liability, SB 552.
- Colleges, universities, submission to governor, provisions, \*SB 208, CH. 40 EX.
- County, hearings, date provision, \*HB 765, CH. 136 EX.
- Expenditures, general fund, elected officials, common school education agency, reduction provisions, SB 570.
- Fisheries department, title only, SB 784.
- Governor's message, \*HCR 3.
- Highway, operations, capital improvements, 1971-73 biennium, \*Sub HB 510, CH. 290 EX. PV.
- Legislative committee, expenditures, general fund, elected officials, public educational agencies, reduction provisions, \*SB 559, CH. 263 EX.
- Lower Columbia community college, supplemental appropriation, 1971-73 biennium budget, SB 921.
- Nursing homes, public assistance recipients, supplemental appropriation, 1969-71 budget deficit, SB 386.
- School districts, expenditures, in excess of appropriations, officers, employees, liability, SB 551, \*SB 168, CH. 93 EX.
- Tentative, pending legislative appropriations, authorized, \*SB 168, CH. 93 EX.
- State government, omnibus appropriation, 1971-73 biennium, \*Sub HB 151, CH. 275 EX. PV.
- Supplemental appropriation, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- Superintendent of public instruction, urban, racial, disadvantaged, programmed budget request, HB 344.
- Supplemental, state government, appropriation, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- Tax exemptions, exclusive, dollar amount estimates, listed, HB 5.
- Urban, racial, disadvantaged programs, programmed budget, required, HB 344.

**BUILDINGS:**

- Authority, state, certain duties transferred, finance department, HB 1022(a).
- Avalanche areas, zoning, land use, regulation, SB 547.
- Colleges, universities, building construction, remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.
- Community colleges, capital projects, improvements, bonds authorized, SB 860.
- Condemned property, state moving procedures, HB 396.
- High-rise, multi-storied, waterfront construction restrictions, SB 54.
- Industrial insurance, accident prevention incentives, protective premium formula, industry dividend returns, \*SB 472, CH. 274 EX.
- Insured policy amount, deemed true value, SB 473.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**BUILDINGS—Continued:**

- Public accommodation, physically handicapped, aged persons, design standards, \*HB 841, CH. 219 EX.
- School, construction, building systems project, development, implementation, SB 109, \*Sub SB 109, CH. 238 EX.
- Schools, facilities, bond aid act, bond sales, provisions, \*SB 151, CH. 4 EX.
  - Systems, project, state, establishment, \*Sub SB 109, CH. 238 EX.
- State authority, state lands, leasing, higher education construction purposes, authorized, \*SB 88, CH. 31.
  - 75 year leases, higher education construction purposes, authorized, \*SB 918, CH. 23 EX.
- State building authority, bonds, indebtedness, issuance, refunding, provisions, SB 639, \*HB 817, CH. 154 EX.
  - Code, adopted, SB 364.
  - Council, created, SB 364.
- State, designers, registration, title only, SB 681.
  - Operating costs, expenses, interagency payments, provisions, \*HB 429, CH. 159 EX.
  - Spokane, construction authorized, \*SB 739, CH. 3 EX.
    - Leasing, financing, provisions, \*SB 739, CH. 3 EX.

**BUMPERS:**

- Motor vehicles, energy absorption systems, equipment required, HB 261, SB 191.

**BURIALS:**

- Public assistance recipients, graves, more than one body, payment not authorized, SB 841.
- Services, merchandise, prearrangement contracts, regulation, SB 235.

**BUSES:**

- Driving experience abstracts, insurance use, restricted, SB 256.
- Lights, warning, two reflector elements, requirement removed, \*SB 369, CH. 97 EX.
- Metropolitan public transportation, leases, private carriers, schools, authorized, \*SB 690, CH. 303 EX. PV.
- Operators, all, classified license required, \*HB 53, CH. 126 EX.
  - Classified vehicles, union dispatching, certification acceptance provision, \*HB 53, CH. 126 EX.
- Passenger, leased, rented, nonresident interstate operators, excise tax exempt, SB 352, \*Sub SB 352, CH. 11 EX.
- School, all, railroad crossing stops, required, HB 163.
  - Governmental agency emergencies, contracts, leases authorized, SB 46, \*HB 75, CH. 24.
  - Handicapped children transport, leases authorized, \*HB 322, CH. 78.
  - Metropolitan public transportation vehicles, leases, authorized, \*SB 690, CH. 303 EX. PV.
  - Studded tires, use, Nov. 1—April 1, permitted, \*SB 95, CH. 32 EX. PV.
  - Warning devices, strobe light use permitted, SB 278.
- Students, transportation, without parental permission, budget funds use, prohibited, \*Sub HB 151, CH. 275 EX. PV.
  - State funds use, prohibited, SB 317.
  - Written parental permission required, SB 9, SB 11.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**BUSINESS AND PROFESSIONS:**

- Consumer protection, unfair deceptive acts, class action suits, court civil rule 23, use authorized, SB 792.
- Contracts, second parties, indemnification, liability exoneration, unenforceable, SB 902.
- Corporations, domestic, foreign, license, filing fees, surtax imposed, \*SB 738, CH. 2 EX.
- Economic development, title only, SB 743.
- Franchise investment protection act, \*SB 755, CH. 252 EX.
- Inventories, personal property, credit allowance, other taxes, provisions, SB 546, SB 924.
- Property tax, credit allowances, income tax imposed, tax reform act, provisions, SB 924.
- Licenses, certain, fees increased, SB 51, \*Sub SB 51, CH. 266 EX.
- Merchandise, defective, warranty, cash payments provisions, SB 604.
- Mergers, share, cash, property conversions, provisions, \*SB 564, CH. 38 EX.
- Professional service corporations, shareholders, officer requirements, \*HB 143, CH. 57.
- Professions, title only, SB 670.

**CAMPAIGNS:**

- Candidates, contributions, expenditures, reporting provisions, SB 15, SB 344, SB 357.
- Expenditures reporting provisions, HB 725(a), SB 15, SB 344, SB 357.
- Fair campaign practices code, candidate filing required, SB 29.
- Political, monetary limitations, title only bill, SB 2.
- State employees, campaigning, other than state offices, permitted, SB 345.

**CAMPERS:**

- Defined, \*Sub HB 69, CH. 231 EX.
- License, issuance, regulations, HB 112, \*Sub SB 897, CH. 299 EX. PV.
- Licensing, registration, number plates, provisions, \*Sub HB 69, CH. 231 EX.
- Tax, excise, imposition, distribution, HB 112, \*Sub SB 897, CH. 299 EX. PV.

**CAMPS:**

- Church owned, real property taxes, exemption provisions, \*HB 38, CH. 64 EX.

**CAMPUSES:**

- Satellite, community colleges, legislative approval required, SB 133, SB 134.
- Students, disorders, participation, expulsion, provisions, SB 30.

**CANAL COMMISSION:**

- Perry, Ernest L., member, appointment, confirmation, \*\*GA 21 . . . pp. 99, 1393, 1780
- Smyth, Wayne, member, appointment, confirmation, \*\*GA 20 . . . pp. 99, 1393, 1780

**CANDIDATES:**

- Ballots, name, occupation, identification provisions, SB 248.
- Campaign contributions, expenditures, reporting provisions, SB 15.
- Fair campaign practices code, candidate filing required, SB 29.
- Liquor purchases, for certain persons, election day, prohibited, \*SB 612, CH. 112 EX.
- Names, voting devices, listing order, provisions, SB 198, \*HB 215, CH. 6 EX.
- Nominations, write-in, minimum vote reduced, HB 427.
- Nonpartisan, voids, filings, election, special provisions, SB 192.
- Precinct committeeman, name on ballot, twice, permitted, \*HB 245, CH. 18.
- Committeemen, absentee ballots, names included, SB 554.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CANDIDATES--Continued:

- Television, radio, equal time, major parties only, petitioned, HJM 6.
- Voters' pamphlets, photographs, statements, space, contents, costs, general revisions, SB 343, \*HB 364, CH. 145 EX.
- Voting devices, listing order, provisions, SB 198, \*HB 215, CH. 6 EX.

CANFIELD, SENATOR DAMON R.:

- Personal privilege, Hanford reactor . . . . . p. 895
- Protest, ESHB 151 . . . . . p. 1757

CAPEN, RICHARD G., JR.:

- Address, joint legislative session, \*HCR 5.

CAPITAL IMPROVEMENTS:

- Budget, appropriations, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
- Citizens-legislative task force, established, state bond issues, program study, HB 778.
- Colleges, universities, bonds, financing, 100% general tuition fees, pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.
- Capital projects, improvements, anticipated expenditures, OPPFM report required, \*Sub HB 152, CH. 276 EX. PV.
- Housing, married students, construction, 1971-73 biennium, expenditure prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Community colleges, dormitories, capital improvements budget funds use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Projects, bonds authorized, SB 860.
- Definition, \*Sub HB 152, CH. 276 EX. PV.
- Seattle community college, south campus, engineering technology building, construct, equip, appropriation, \*Sub HB 152, CH. 276 EX. PV.
- Spokane, state building, construction authorized, \*SB 739, CH. 3 EX.
- State building authority, bonds, indebtedness, issuance, refunding, provisions, SB 639, \*HB 817, CH. 154 EX.

CAPITOL BUILDING AND GROUNDS:

- Buildings, operating costs, expenses, interagency payments, provisions, \*HB 429, CH. 159 EX.
- Capitol committee, personal service contracts, approval required, SB 351.
- Fire protection, equipment, services, provision, HB 161.
- State building authority, bonds, indebtedness, issuance, refunding, provisions, SB 639, \*HB 817, CH. 154 EX.

CAPITOL HISTORICAL ASSOCIATION:

- State, endowments, acceptance authorized, HB 173.

CARDROOMS:

- Games, social, bingo, raffles, amusement, authorized, \*HB 291, CH. 280 EX. PV.

CARON, PHILIP:

- Central Washington state college, trustee board member, appointment, confirmation, \*\*GA 26 . . . . . pp. 100, 1544, 1781

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

CATHLAMET:

Ryderwood, highway route, feasibility study, SB 891.

CATS: (see also Animals)

Dogs, cats, theft, crime, SB 332.

CATTLE: (see also Animals, also Agriculture and Livestock)

Beef commission, assessments, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.

Calves, unweaned, personal property, livestock assessment, exempt, HB 881.

Commercial feed lots, identification, auditing, licensing, provisions, SB 725, \*HB 676, CH. 181 EX.

CEMENT MIXERS:

Trucks, power take-off unit use, motor vehicle fuel, tax refunds, \*HB 353, CH. 36 EX.

CEMETERIES:

Districts, establishment, all counties, provision, \*SB 8, CH. 19.

Mason county district, state forest land, one acre, deed, authorized, \*SB 858, CH. 90 EX.

Services, merchandise, prearrangement contracts, regulation, SB 235.

Township dissolution disposal procedures, SB 349.

CENTRAL WASHINGTON STATE COLLEGE: (see also Colleges and Universities)

Caron, Philip, trustee board member, appointment,

confirmation, \*\*GA 26 . . . . . pp. 100, 1544, 1781

CENTRALIA COMMUNITY COLLEGE:

Henderson, Melvin D., trustee board member, appointment,

confirmation, \*\*GA 44 . . . . . pp. 103, 900, 1300

CHARITABLE ORGANIZATIONS:

Bingo, raffles, amusement games, authorized, SB 200, \*HB 291, CH. 280 EX. PV.

Mentally, physically handicapped, parental successors, nonprofit corporations, appointment authorized, HB 782.

Trusts, charitable, not for profit foundations, certain tax related activities, prohibited, SB 222, \*HB 216, CH. 58.

CHARTERS:

Counties, combined city-county municipal corporations, establishment, SB 101.

County, governmental authority, county commissioners definition, included, \*SB 865, CH. 117 EX.

Model, advisory committee, created, \*HCR 39.

Statutory optional, alternative proposals, study, \*HCR 39.

CHECKS:

Larceny, by check, grand larceny, HB 244.

Savings and loan associations, accounts, authorized, SB 274.

State treasurer, cashing, state officials, employees, authorized, \*HB 130, CH. 5.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CHERBERG, JOHN A.: (see Lieutenant Governor, also President of the Senate)  
 Commended, \*SFR-EX-30 . . . . . p. 697

#### CHILD NURSERIES:

Child care centers, ADC families, class AA, A counties, authorized, SB 152.  
 Services, demonstration, pilot projects, Sub SB 152.  
 Child day care services, colleges, universities, study committee established, SCR 10.

#### CHILDREN:

Abused, photographs, documentary evidence purposes, authorized, SB 440, \*Sub SB 441, CH. 302 EX. PV.  
 Adoption, difficult to place aid payments, SB 128, Sub SB 128.  
 Hard to place children, fee payments, waiver authorized, \*Sub HB 768, CH. 63 EX.  
 Petitioners, prospective, replacement study, provisions, \*Sub HB 762, CH. 172 EX.  
 Child abuse, immediate oral report, mandatory, \*HB 305, CH. 167 EX.  
 Suspected, mandatory report provisions, SB 818, \*HB 305, CH. 167 EX.  
 Child care services, demonstration, pilot projects, Sub SB 152.  
 Day care services, colleges, universities, study committee established, SCR 10.  
 Child support, debt, public assistance lien permitted, \*Sub HB 257, CH. 164 EX.  
 Education, divorce cases, over age 18, not required, SB 905.  
 Social and health services department, enforcement services, \*HB 451, CH. 213 EX.  
 Custody, marriage dissolution, award, best provider basis, SB 175.  
 Death, injury, mothers, right of action, SB 32.  
 Special rights of action, SB 242.  
 Delinquent, adjudicated, court placement, care payment, provisions, SB 553, \*Sub SB 553 VETOED.  
 Handicapped, education, special aid program, SB 66, \*HB 90, CH. 66 EX.  
 Educational programs, coordination, study, \*SCR 4.  
 Services, title only bill, SB 4.  
 Transport, school bus leases, authorized, \*HB 322, CH. 78.  
 Placement, interstate compact, enactment, \*HB 414, CH. 168 EX.  
 Stepchildren, family support provisions, excluded, SB 652.  
 Visitation, divorced spouse, support paying, denial prohibited, SB 869.  
 Visitation rights, divorced parent, other persons, provisions, SB 489.

#### CHIROPODISTS:

Health care corporations, registration, practice, permitted, SB 618.  
 Programs, state contract, various health practitioners, use, provisions, HB 816(a).  
 Licensing, basic sciences examination, waiver provision, \*Sub HB 379, CH. 227 EX.

#### CHIROPRACTORS:

Disability insurance, services, contracts, coverage, \*SB 380, CH. 13 EX. PV.  
 Disciplinary board, title only, SB 563.  
 Doctor, use of title, provision, \*Sub HB 379, CH. 227 EX.  
 Health care, all citizens, federally underwritten, services provision, petitioned, Sub SJM 12.  
 Health care corporations, registration, practice, permitted, SB 618.  
 Programs, state contract, various health practitioners, use, provisions, HB 816(a).  
 Services, insurance contracts, inclusion required, SB 696.  
 State contracts, discrimination prohibited, SB 715.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CHIROPRACTORS—Continued:

Licensing, national board examination, state acceptance, \*Sub HB 379, CH. 227 EX.  
 Malpractice actions, statute of limitations, provision, \*HB 720, CH. 80.  
 Title only, SB 562.

## CHURCHES:

Convents, parsonage grounds, property tax, exempt, \*HB 38, CH. 64 EX.  
 Property, real, nonprofit sectarian, tax exemptions, \*HB 38, CH. 64 EX.

## CIGARETTES:

Contraband, inspection, seizure provisions, HB 930.  
 Tax, excise, Viet Nam veterans, bonus payment, SB 6.  
 Increased, \*Sub SB 897, CH. 299 EX. PV.  
 School building bond redemption fund, distribution provisions, \*SB 262, CH. 70 EX.  
 Wholesaler, retailer, basic cost discounts, stamp affixing costs, percentages increased, SB 798.

## CISPUS:

Job corps center, U.S. present to state, petitioned, HJM 7.

## CITIES AND TOWNS:

Airports, municipal, revenue warrants, issuance authorized, SB 218, \*HB 403, CH. 176 EX.  
 Air space corridors, public agencies acquisition, provisions, \*SB 363, CH. 39 EX.  
 Alcoholism programs, facilities, state financial assistance, approval requirements, \*SB 214, CH. 104 EX. PV.  
 Annexation proceedings, established, SB 365.  
 Annexations, original ordinance, resolution documents, filing provisions, SB 86.  
 Associations, public employees' retirement system, membership authorized, \*SB 522, CH. 271 EX.  
 State-wide city employees' retirement system, membership authorized, SB 756.  
 Bonds, revenue, municipal, general revisions, \*HB 622, CH. 223 EX.  
 Budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 552.  
 Cemetery districts, establishment, \*SB 8, CH. 19.  
 Citizens-legislative task force, established, capital improvements, state bond issues, program study, HB 778.  
 City-county municipal corporations, establishment, SB 101, \*HJR 21.  
 Conservation futures, open space land, purchase authorized, HB 586, \*SB 185, CH. 243 EX.  
 County assessors, administrative operation costs, local government share, payment provisions, SB 587.  
 Dance halls, set-up service permitted, special class X liquor license, established, SB 555.  
 Demonstration cities act, city participation, fiscal liability, limitation provision, SB 773, \*HB 430, CH. 177 EX.  
 Districts, water, sewer, jurisdiction, city assumption, rules established, SB 85, \*Sub SB 85, CH. 95 EX.  
 Economic opportunity act, programs, participation, provisions, \*HB 430, CH. 177 EX.  
 Employees, collective bargaining, general revisions, SB 429.  
 Tax deferred annuity plans, provisions, \*SB 659, CH. 264 EX.  
 Felons, criminals, apprehension, rewards, authorized, SB 433, \*Sub SB 441, CH. 302 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CITIES AND TOWNS—Continued:

- Festivals, outdoor music, permits, regulation, authorized, SB 441, \*Sub SB 441, CH. 302 EX. PV.
- Firemen, civil service removal, suspension, union activity reasons, hearing procedures, SB 421.  
 No municipal fund provided, extra levy, imposition not required, SB 723.  
 Residence outside service area, discharge restrictions, HB 516, \*SB 710, CH. 256 EX.
- Fiscal agencies, designation provision revised, \*HB 437, CH. 79 EX.
- Funds, special purpose, license fee revenue, allocation, obligation, provision, \*HB 622, CH. 223 EX.
- Highways, location, design, public hearings, required, HB 769, SB 722.
- Housing authorities, class A counties, east of Cascade mountains, need, referendum provisions, \*SB 884, CH. 300 EX. PV.
- Commissioners, per diem, expenses, payment provisions, HB 516(a).  
 Creation, gubernatorial authority provisions, SB 628.
- Indebtedness, limitations revised, \*HB 211, CH. 76.
- Islands, incorporation provisions, SB 821.
- Law enforcement officers, emergencies, other municipalities, arrest powers, SB 871.  
 Firemen, service credits, prior employment, retirement purposes, SB 204, SB 353.
- LID assessments, payment deferrals, relief, certain individuals, SB 589, SB 760.
- Liquor retailer's premises, entertainment permission, liquor board, concurrent jurisdiction, SB 166.
- Liquor tax, alcoholism program, share, allocation requirement, \*SB 214, CH. 104 EX. PV.
- Local government, obsolete code material, repealed, \*HB 211, CH. 76.  
 Relationship, state government, legislative municipal committee, study provisions, SB 682.  
 Title only, HB 516, SB 608, SB 609, SB 610, SB 645, SB 646.
- Local improvement districts, formation, assessments, expenses, bonds, general revisions, \*SB 863, CH. 116 EX.  
 Projects, bonds, deposit, return, provisions, HB 1070.
- Log tolerance permits, trucks, tractors, city issuance provisions, \*SB 450, CH. 249 EX.
- Meetings, open public, provisions, \*SB 485, CH. 250 EX.
- Metropolitan development act, city participation, liability limitation, provisions, SB 773(a), \*HB 430, CH. 177 EX.
- Motor carrier, commercial zones, terminal areas, municipalities, establishment, SB 664.
- Motor vehicles, excise tax, July apportionment, fiscal year, crediting, \*HB 486, CH. 80 EX.  
 Special, effective date, extended, SB 194.
- Municipal transit systems, operation outside city limits, limitation provision removed, SB 823.  
 Utility services, facilities, no cost, reduced rate provision, SB 822.
- Officers, contracts, personal interest, \$3,600 awards limitation, \*SB 176, CH. 242 EX.
- Officials, recall proceedings, signatures, filing time, limitation provisions, \*Sub HB 214, CH. 205 EX.
- Open space, recreation facilities, development indebtedness increase authorized, \*SB 177, CH. 38.
- Open space land, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.
- Optional municipal code, officer elections, salary increases, general revisions, SB 678, \*Sub SB 678, CH. 251 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CITIES AND TOWNS—Continued:

- Ordinances, public notice, resumes authorized, HB 207, SB 21.
- Parking, business improvement areas, establishment authorized, \*SB 130, CH. 45 EX.
  - Off-street, leasing, operation, provisions, SB 824.
- Personal services, professional, bid requirements, exempted, SB 842.
- Police chiefs, civil service exempt, SB 342.
- Property, condemned, immediate possession, rights, SB 319.
  - Public, intergovernmental transfers, authorized, SB 392.
- Public records, open, inspection provisions, SB 477.
  - Utilities, services, bills, each utility, separate amount, indicated, HB 753.
  - Works, local, advance planning, provisions, HB 680.
  - Over \$5,000 cost high bid rejection, construction by municipality authorized, \*SB 863, CH. 116 EX.
- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- Retirement, age 60, state-wide city system, general provisions, SB 499.
  - Pension system benefits, inheritance tax, exempt, HB 897.
- Retirement system, state-wide, public system consolidation provision, SB 190, \*HB 158, CH. 75.
- School property, annexation, permitted, SB 148, \*HB 250, CH. 69.
- Sewer, water districts, mergers permitted, \*HB 567, CH. 146 EX.
- Sewerage systems, waste disposal, permits required, HB 903.
- Shorelines, management, regulation, program administration, SB 584, \*Sub HB 584, CH. 286 EX. PV.
- Solid waste collection districts, county, service, provisions, \*SB 52, CH. 293 EX. PV.
  - Management plans, needs, franchise, boundary, population information, additional requirements, \*SB 52, CH. 293 EX. PV.
- Streets, outside city limits, land condemnation authorized, SB 84.
- Subdivisions, plats, hearings publication notice defects, validation, \*SB 391 VETOED.
- Surplus property, intergovernmental transfers, authorized, SB 392.
- Taxes, sales, use, local, city share limitation, expiration date removed, SB 806.
  - Clarified, SB 650.
- Taxes, special motor vehicle excise, effective date, extended, SB 194.
- Title only, SB 683, SB 717.
- Tourist promotion, expenditures authorized, \*SB 579, CH. 61 EX.
- Townships, excess property levies, assessment authorized, SB 851.
- Transit, public systems, financing, excise tax authorized, \*SB 691, CH. 296 EX. PV.
- Trucks, overload fines, allocation, annual distribution provision, \*HB 30, CH. 17.
  - Tractors, overlegal loads, special permits, issuance, \*Sub SB 401, CH. 248 EX.
- Trust monies, public depositories, deposits authorized, SB 677.
- Urban arterial board, reporting, advance planning, time periods revised, \*HB 759, CH. 291 EX. PV.
- Water districts, withdrawal provisions, SB 270, \*Sub SB 542, CH. 272 EX.
- Water, management, use, local government functions, study, HB 278.
  - Sewer service, outside existing boundaries, notice of intention, filing requirement, SB 100, \*HB 133, CH. 127 EX.
  - Systems, public utility district, sale, without voter approval, provision, HB 708.
- Zoning, variances, exceptions, automatic lapsing, HB 525.

## CITIES—FIRST CLASS:

- Parks, dedicated property, exchanges permitted, \*SB 219, CH. 16 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**CIVIC CENTERS:**

Class H licenses, issuance provisions, SB 490, \*HB 876, CH. 208 EX.

**CIVIL ACTIONS AND PROCEDURES:**

Adoption, petitioners, prospective, preplacement study, provisions, \*Sub HB 762, CH. 172 EX.

Advertising, unfair, deceptive, printers, publishers, broadcasters, liability, knowledge required, SB 792(a).

Arrest, officer possession not required, issuance statement provision, SB 438.

Attorney fees, certain cases, increase, SB 250.

Bail bonds, imposition, amounts, violations, established, SB 442.

Banks, savings and loan associations, civil actions, bond posting, not required, HB 262.

Cities, towns, counties, budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 552.

Civil actions, proceedings costs, poverty allegation, cost waiver provisions, SB 484.

Comparative negligence, distribution loss provisions, SB 255.

Consumer protection, unfair, deceptive acts, class action suits, court civil rule 23, use authorized, SB 792.

Contractors, surety bonds, claims, priorities, revised, Sub HB 596.

Priorities revised, separate actions, judgments, payment provisions, Sub HB 596.

Convictions, more than one crime, sentencing, \*SB 108, CH. 295 EX. PV.

Credit reports, rating correction provisions, SB 775.

Damages, pain, decedent's injury claim basis, recovery, SB 62.

Deeds of trust, foreclosures, recording, registration, without judicial confirmation, provisions, SB 828.

Statute revision, HB 408.

Divorce, irreconcilable differences, additional ground, established, SB 565.

Divorce support, obligor return, by state nonresident, debt proof, SB 65.

Eighteen year olds, legal majority, certain purposes, provisions, HJR 30(a), SB 375, \*Sub HB 309, CH. 292 EX. PV.

Emergency care, physician, hospital, liability limitation, SB 227.

Without fee, liability limitation, SB 227(a).

Filing fees, superior court, law library support, amount increase, provisions, \*HB 218, CH. 141 EX.

Indians, state jurisdiction, retrocession provisions, SB 685.

Initiative, referendum petitions, signatures, solicitation, payment prohibited, HB 367.

Innocent victims, crime, compensation, SB 75.

Judgment debtors, court appearance, interrogatories, creditor remedies, provisions, \*HB 686, CH. 211 EX.

Juries, 6 or 12 persons, request provisions, SB 127, SB 246.

Legal proceedings, deaf, non-English speaking individuals, interpreter provisions, SB 470, Sub SB 470.

Liens, mechanics', materialmen's, claimants' address, requirement, \*SB 183, CH. 94 EX. Materials, equipment, priority extension provisions, SB 393.

Limitations, statute, tolling, summons, service, commencement, SB 252, \*HB 181, CH. 131 EX.

Litigation, commenced, statute enactment, affect presumption, HB 657(a).

Pending, statute enactment, affect presumption, HB 657.

Loans, collateral, consumer goods, security interest, deficiency judgments, eliminated, SB 475.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CIVIL ACTIONS AND PROCEDURES—Continued:

- Marriage, divorce, uniform act, SB 576.
- Medical malpractice, statute of limitations, provision, \*HB 720, CH. 80.
- Mothers, child's death, injury, right of action, SB 32.
  - Special rights of action, SB 242.
- Motor vehicle operators, nonresident, summons service, registered mail return receipt, provisions, \*SB 91, CH. 69 EX.
- Parole revocations, rehabilitation prospects, hearings, general provisions, SB 431.
- Personal injury actions, attorney fees, provisions, SB 666.
  - Fact statement, availability requirement, SB 73.
- Physicians, incompetency, misconduct charges, fellow professional, immunity from suit, \*HB 351, CH. 144 EX.
- Pistols, convicted individuals, ownership, possession, prohibited, SB 430, \*Sub SB 441, CH. 302 EX. PV.
- Probates, appraiser, personal representative, claims, filing, provisions, HB 734.
- Public assistance recipients, fraudulent, ineligible, reporting, reward, court suit, provisions, SB 747.
- School district budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 551, \*SB 168, CH. 93 EX.
- Sentences, other than felony, consecutive service provision, repealed, \*SB 108, CH. 295 EX. PV.
- State, claims against, exclusive of claims against employee, SB 757.
- State patrol, witness fees, provisions, HB 384.
- Stepchildren, family support provisions, excluded, SB 652.
- Warrants, search, justice courts issuance authorized, SB 438.
- Water, shorelands, tidelands, rights, civil action, filings, attorney general notification required, HB 979.
- Women, married, personal injury actions, community property rights, provisions, HB 551.
- Workmen's compensation, injuries, death, third party contractor negligence, right of action, HB 538.

## CIVIL DEFENSE:

- Emergency service, property damage, personal injury, compensation, provisions, \*SB 56, CH. 8 EX.
- Emergency services department, created, HB 78.

## CIVIL RIGHTS:

- Discrimination, general revision, SB 507, \*SB 203, CH. 52 EX.
- Human rights commission, created, discrimination duties transferred, SB 507, \*SB 203, CH. 52 EX.

## CIVIL SERVICE:

- Appeals, hearing officers, appointment provisions, SB 541.
- City police chiefs, exempt, SB 342.
- Executive assistants, personnel administration, labor relations, exempt, SB 835, \*HB 743, CH. 209 EX.
- Firemen, policemen, civil service, appointment, three-name list provision, SB 745.
  - Removal, suspension, union activity reasons, hearing procedures, SB 421.
- Firemen, residence outside service area, discharge restrictions, HB 516, \*SB 710, CH. 256 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CIVIL SERVICE—Continued:

- Liquor agency vendors, part-time, exempt, \*HB 270, CH. 59 EX.
- Sheriff's department, legal advisor, civil service exempt, HB 516(a).
- State, position vacancies, eligibility lists, name referrals, provisions revised, SB 523.
- Veterans, layoffs, reemployment, state preference, seniority credits, provisions, HB 1059, \*SB 857, CH. 19 EX.

CLAIMS:

- Advertising, outdoor, along interstate highways, controls established, incentive claim payment, petitioned, \*SJM 15.
- State, claims against, exclusive of claims against employee, SB 757.

CLALLAM COUNTY:

- Port Discovery Bay, commercial salmon fishing, prohibited, SB 763.

CLAMS: (see also Shellfish)

- Personal use, license, concept, study, HCR 33.

CLARK COMMUNITY COLLEGE:

- Irwin, Clarence, trustee board member, appointment, confirmation, \*\*GA 72 . . . . . pp. 1021, 1084, 1306
- Lawton, Richard E., trustee board member, appointment, confirmation, \*\*GA 46 . . . . . pp. 103, 900, 1301

CLARK COUNTY:

- Ridgefield-Vancouver highway, planning, construction, SB 306.
- Superior court, judges, number increased, \*HB 643, CH. 83 EX.

CLARKE, SENATOR GEORGE W.:

- Explanation, failure to vote, EHB 144 . . . . . pp. 1381-1382
- Protest, ESHB 151 . . . . . p. 1757
- Protest, failure SFR 39 . . . . . pp. 782-783

CLERKS:

- Retail, workmen's compensation coverage, SB 260.

CLOVER PARK COMMUNITY COLLEGE:

- Aram, John L., trustee board member, appointment, GA 42 . . . . . pp. 103, 900
- Richter, Douglas, trustee board member, appointment, confirmation, \*\*GA 43 . . . . . pp. 103, 900, 1300

CLUBS:

- Class H licenses, discriminatory, exclusionary organizations, issuance prohibited, SB 461.

CODE REVISER:

- Liquor control board regulations, filing, code reviser's office, required, \*HB 266, CH. 62.

CODES:

- Conduct, colleges, universities, students, faculty, established, SB 518.
- Consumer credit, SB 213.
- Ethics, public officials, revision, HB 462.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CODES—Continued:

- Fair campaign practices, SB 29.
- Insurance, general revisions, SB 502.
- Land use, model, state land planning commission, preparation, \*HB 865, CH. 287 EX. PV.
- Optional municipal code, county annexation review board, provisions, SB 678, \*Sub SB 678, CH. 251 EX.
- Officer elections, salary increases, general revisions, SB 678, \*Sub SB 678, CH. 251 EX.
- Public highways and transportation, public highways title renamed, HB 539, SB 444.
- School, common, manual publication, sale provisions, \*SB 531, CH. 100 EX.
- State building code, adopted, SB 364.

## COIN OPERATED MACHINES:

- Laundry facilities, sales tax, excluded, SB 492.
- Vending machines, public utility classification, separate registration, exempted, \*Sub SB 897, CH. 299 EX. PV.

## COINS:

- Used, purchases, collector's items, police report, required, SB 519.

## COLLECTION AGENCIES:

- Regulation, licensing, SB 796, \*Sub SB 796, CH. 253 EX.

## COLLECTIVE BARGAINING:

- Employees, municipal, general revisions, SB 627.
- Health care activities, nurses, provisions, SB 415.
- Higher education, faculties, professional negotiations, collective bargaining, rights, procedures, study, HB 984.
- Hospitals, nursing homes, nurses, provisions, SB 415.
- Irrigation districts, employees, provisions, SB 162.
- Public employees, general revisions, SB 429.
  - New agreements, effective date provision, \*HB 1075, CH. 187 EX.
- Uniformed personnel, mediation, determination provisions, SB 232.

## COLLEGES AND UNIVERSITIES: (see also name of College)

- Administrative procedures act, established, \*SB 469, CH. 57 EX.
- Athletic programs, intercollegiate, athletic financial assistance, funds, sources, provisions, \*SB 35, CH. 28 EX.
- Building, construction, financing, 100% general tuition fees pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.
  - Prevalent community wages, payment required, SB 374.
  - Remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.
- Capital projects, improvements, anticipated expenditures, OPPFM report required, \*Sub HB 152, CH. 276 EX. PV.
  - Budget funds use, competitive bids, contracts, required, \*Sub HB 152, CH. 276 EX. PV.
- Child day care services, study committee established, SCR 10.
- Conduct, code, students, faculty, established, SB 518.
- Counties, fourth class, location, prosecuting attorneys, salary provision, \*SB 512, CH. 237 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COLLEGES AND UNIVERSITIES—Continued:

- Credit cards, tuition payments, factoring charges prohibited, HB 572.
- Credits, transfer, status, study, \*HCR 35.
- Disruptive students, expulsion, dismissal procedures, SB 30, SB 197, SB 577.
- Employees, classified, retirement, age 65, 30 years service, provisions, HB 1031.
  - Health care insurance, premium payments, required coverage, SB 329.
  - Staff, health care, protection insurance, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.
  - Protection insurance, provisions, SB 396, Sub SB 396.
  - Students, insurance, all types, provisions, \*SB 298, CH. 269 EX.
- EWSC, nursing, dental hygiene degrees authorized, \*SB 35, CH. 28 EX.
- Faculty, academic tenure, problems, issues, higher education council, study, HCR 14.
  - Average weekly classroom contact, minimum hours established, \*Sub HB 151, CH. 275 EX. PV.
- Employees, certain, teachers' retirement system, membership, provisions, \*SB 368, CH. 261 EX.
  - Professional negotiations, collective bargaining, rights, procedures, study, HB 984.
- Financial plans, submission to governor, provisions, \*SB 208, CH. 40 EX.
- Graduate work, fees, SB 201.
- Housing, married students, construction, 1971-73 biennium, expenditure prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Insurance, employees, students, coverage, all types, provisions, \*SB 298, CH. 269 EX.
- Intercollegiate athletics, student participation, financial assistance, provision, \*SB 35, CH. 28 EX.
- Meetings, open public, provisions, \*SB 485, CH. 250 EX.
- Operation, studies, interference, violence, unlawful, \*HB 15, CH. 45.
- Post high school, education, systems, financial support, study, \*HCR 7.
- Postgraduate students, certain incidental fees, exempt, SB 217.
- Private, higher education programs, contracting, state plan, HB 441.
  - Property, tax exempt, description, expanded, \*HB 1123, CH. 206 EX.
  - Undergraduate, resident student, tuition supplementation, \*SB 419, CH. 56 EX.
- Protective service contracts, provisions, SB 804.
- Public grant lands, sales, leases school site use, provisions, \*HB 464, CH. 200 EX.
  - Lands, ecological study purposes, school use, areas reserved, SB 405.
- Quarter system basis, provision, HB 559.
- Sabbatical leaves, faculties, certain number, authorized, \*Sub HB 151, CH. 275 EX. PV.
- Sabbaticals, stipends, 1971-73 biennium, granting, authority suspended, SB 867.
- Students, campus disorders, participation, expulsion provisions, SB 30, SB 197.
  - Disruptive, expulsion, dismissal procedures, SB 30, SB 197, SB 577.
  - Enrollments, determining, reporting, legislative budget committee, review provision, \*Sub HB 151, CH. 275 EX. PV.
- Loans, state loan program, established, SB 840.
- Needy, loan fund established, tuition fee financing provisions, \*Sub HB 740, CH. 279 EX. PV.
- Residents, nonresidents, defined, tuition fee purposes, \*SB 594, CH. 273 EX.
- Unauthorized absences, tuition forfeiture, provisions, SB 259.
- Teaching methods, college faculty, periodical classroom experience, SB 404.
- Transfers, policies, procedures, study, \*HCR 35.
- Tuition, fees, new categories, rate schedules, established, \*Sub HB 740, CH. 279 EX. PV.
  - Payment, deferral, promissory note, provisions, SB 877.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COLLEGES AND UNIVERSITIES—Continued:

- Unemployment compensation, certain students, eligibility benefits restriction provisions, HB 996.
- Universities, faculty, employees, retired, pensions, ineligible for social security, benefits increased, SB 78, \*HB 125, CH. 76 EX.
- Veterans, layoffs, reemployment, state preference, seniority credits, provisions, HB 1059, \*SB 857, CH. 19 EX.
- Veterans' spouses, children, residence requirements waived, SB 12.

## COLUMBIA BASIN COMMUNITY COLLEGE:

- Adams, O. C., trustee board member, appointment, confirmation, \*\*GA 52 . . . . . pp. 104, 901, 1302
- Mitchell, C. J., trustee board member, appointment, confirmation, \*\*GA 63 . . . . . pp. 1020, 1085, 1303

## COLUMBIA RIVER:

- Fishing, commercial, district boundaries, established, \*HB 687, CH. 283 EX. PV.
- Kalama, harbor lines, relocation authorized, SB 161, \*HB 200, CH. 158 EX.
- Salmon, commercial fishing, license districts, revised, \*HB 687, CH. 283 EX. PV.

## COMFORT, PATRICK C.:

- Western Washington state college, trustee board member, appointment, confirmation, \*\*GA 28 . . . . . pp. 100, 1544, 1782

## COMMERCE:

- Title only, SB 697.

## COMMERCE AND ECONOMIC DEVELOPMENT:

- Aircraft transportation, interstate, regulation, SB 361.
- Industry, site locations, development directory, SB 293.
- Joint interim committee, banking, insurance, utility regulation, established, duties, \*SCR 32.
- Organization, divisions, revised, SB 225.
- Regional economic development authority, created, SB 700.
- Spokane, state building, acquisition, financing, leasing, provisions, \*SB 739, CH. 3 EX.

## COMMISSIONERS:

- Association, state, name change, \*HB 738, CH. 85 EX.
- Fire protection districts, meeting absenteeism, removal provisions, \*HB 766, CH. 153 EX.
- Port districts, compensation, set by port commissioners, SB 149.
- Per diem, salaries, provisions, SB 149(a), SB 466, SB 813.

## COMMISSIONS:

- Beef, assessments, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.
- Blind, created, powers, duties, SB 93, Sub SB 93.
- Eastern tuberculosis and respiratory disease hospital district, created, powers, duties, \*HB 313, CH. 277 EX. PV.
- Elections, established, powers, duties, HB 725, SB 15, SB 344.
- Escrow, established, SB 216, \*Sub SB 216, CH. 245 EX.
- Exposition 1974, created, \*SB 737, CH. 1 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COMMISSIONS—Continued:

- Fire, districts, certain, membership increased, Sub HB 340, \*SB 176, CH. 242 EX.
- Commissioners, insurance, payment provisions, Sub HB 340, \*SB 176, CH. 242 EX.
- Harbor lines, Kalama, Bremerton areas, relocation authorized, SB 161, \*HB 200, CH. 158 EX.
- Horse racing, abolished, SB 422.
  - Meet participation, annual fee, establishment provision, HB 308.
  - Members, number increased, appointment provisions, HB 668(a).
  - Quarterhorse breeder, membership provision, HB 668.
  - Thoroughbred breeder, additional member, provision, HB 668(a).
- Hospital rate, established, duties, SB 458.
- Human rights, created, discrimination board duties transferred, SB 507, \*SB 203, CH. 52 EX.
- Indigents, legal aid, temporary special study, created, SB 549.
- Industrial site location, created, duties, SB 293.
- Land planning, created, powers, duties, \*HB 865, CH. 287 EX. PV.
  - Use, created, SB 830.
- Marine mammal advisory, created, duties, SB 641.
- Meetings, open public, provisions, \*SB 485, CH. 250 EX.
- Merchants, agricultural products, regulations amended, \*HB 706, CH. 182 EX.
- Mexican-American affairs, created, \*SB 394, CH. 34 EX.
- No-fault automobile insurance, temporary special study, created, HB 696, SB 581.
- Parks and recreation, park and recreation personnel examiners board established, SB 843.
- Professional practices, teachers, established, HB 1094(a).
- Public broadcasting, created, HB 445, SB 330.
- Publication supervision commission, court decisions, appeals court judge, membership provision, \*SB 447, CH. 42.
- Racing, created, SB 370.
- Sewer and water, county, established, duties, SB 675.
- Social and health services, advisory, restructuring, establishment, provisions, \*Sub HB 417, CH. 189 EX.
- Stadium, created, SB 80.
- State land planning, \*HB 865, CH. 287 EX. PV.
- Sweepstakes, state, created, powers, duties, SB 888.
- Tax deferral, created, duties, SB 301.

## COMMITTEES:

- Banking, insurance, transportation, joint committee, created, duties, SB 668.
  - Utility regulation, joint interim committee established, duties, \*SCR 32.
- Beach traffic advisory, counties, three created, HB 555(a).
- Capitol, personal service contracts, approval required, SB 351.
- Commerce, regulatory agencies, joint committee, created, duties, SB 668(a).
- Conference, free conference, appointed . . . . . ESB 58, p. 46; EHB 415, p. 938; EHB 300, p. 996; RESB 130, p. 1023; EHB 86, p. 1098; ESHB 151, p. 1098; EHB 735, p. 1254; resignation, Senator John Stender, EHB 735, p. 1262; appointment, Senator Bob McDougall, EHB 735, p. 1291; ESB 168, p. 1292; ESB 183, p. 1293; ESSB 109, p. 1293; SSB 897, p. 1397; HB 200, p. 1401; HB 1034, p. 1486; EHB 540, p. 1488; ESHB 69, p. 1508; EHB 853, p. 1560; HB 307, p. 1561; EHB 411, p. 1596; ESHB 214, p. 1686; ESSB 51, p. 1687; SB 185, p. 1687; EHB 291, p. 1688; SJR 38, p. 1777; HB 684, p. 1778; ESB 273, p. 1827; HB 313, p. 1828, SSB 897, p. 1915.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COMMITTEES—Continued:

- County model charter advisory, created, \*HCR 39.
- Day care study, established, SCR 10.
- Drug control unit, additional member added, SB 321.
- Education, joint, community schools, extended, weekend use, funding methods, SCR 16, \*HCR 19.
  - Handicapped children, educational programs, coordination, study, \*SCR 4.
  - School plant, facilities, additional use, study, SCR 16(a).
- Emergency medical services, citizens advisory, created, SB 113.
- Finance advisory, created, HB 1022(a).
  - Committee, duties transferred, finance department, HB 1022(a).
- Fisheries, game, game fish, interim, created, powers, duties, \*SCR 31.
- Forest tax, created, power, duties, SB 849, \*Sub SB 849, CH. 294 EX. PV.
  - Temporary, continued, \*SCR 9.
- Game, game fish, animals, protection, proposed legislation, study, SCR 20.
- Governmental cooperation, joint committee, federal aid programs, availability, use, study, \*SCR 28.
  - Study, created, SB 922.
- Governor’s advisory, vendor rates, membership increased, \*SB 257, CH. 87 EX.
- Highways, joint committee, renamed, legislative transportation committee, \*HB 892, CH. 195 EX.
- Industrial dispersion advisory committee, provision, SB 39.
- Interim appointed . . . . . pp. 1997-1998
  - Employees, employment, salary, approval provisions, HB 198.
- Legislative municipal, created, title only, SB 682.
- Local records, constituted, \*SB 302, CH. 10 EX.
- Memorial . . . . . p. 132
- Municipal, legislative, created, membership, duties, SB 682.
  - Temporary, created, membership, duties, \*SCR 29.
- Oil and gas conservation, membership, ecology department, added, SB 483.
- Outdoor interagency, all-terrain vehicles, registration fees, fuel tax refunds, trails allocation provisions, \*Sub SB 372, CH. 47 EX.
  - Recreational trails system, inventory, construction, provisions, \*Sub SB 372, CH. 47 EX.
- Outdoor recreation, interagency, committee member, ecology director, added, SB 334, \*HB 228, CH. 60.
- Political, campaign contributions, expenditures, reporting provisions, SB 15.
- Property tax, created, duties, appropriation, \*Sub HB 283, CH. 288 EX. PV.
- Public assistance, various advisory, membership, aid recipients, SB 839.
- Purchasing advisory, membership increased, SB 181.
- Redistricting, special committee, legislative council, created, duties, HCR 43.
- Select public works and employment, created, duties, Sub HB 777.
- Sewer and water, county-wide districts, review committee, SB 675.
- Social and health services, advisory, restructuring, establishment, provisions, \*Sub HB 417, CH. 189 EX.
- Standing, Senate, appointed . . . . . pp. 47-48
- State, advisory, members, salaries, subsistence, gubernatorial establishment authorized, SB 649.
- State finance, state debt, incurrence control, duties, SB 642, \*HB 803, CH. 184 EX.
- Transportation, legislative, created, powers, duties, \*HB 892, CH. 195 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.



COMMITTEES--Continued:

- Urban, racial, disadvantaged, education programs, state-wide advisory, appointment, HB 344.
- Vendor rates, powers, duties, expanded, \*SB 408, CH. 298 EX. PV.
- Workmen's compensation advisory, appointment, SB 701.
- Youth development and conservation, membership, changes, decrease, HB 312, SB 189.

COMMON CARRIERS:

- Interstate, licensing, alternate fees, provisions, \*HB 229, CH. 143 EX.
- Motor carrier, commercial zones, terminal areas, municipalities, establishment, SB 664.
  - Vehicles, trailers, leased, rented, nonresident interstate operations, passengers, property transportation, excise tax exempt, SB 352, \*Sub SB 352, CH. 11 EX.
- Public service companies, rates, investigation, costs, assessment provision, \*HB 229, CH. 143 EX.
- Trucks, tractors, proportional registration, reciprocal mileage computation, revised, \*HB 54, CH. 51.

COMMUNICATIONS:

- Liquor premises, licensed, gambling activities, communication facilities removal, license suspension mandatory, SB 832.
- Transmitting, recording, private conversations, dangerous drug sales, provisions, HB 513, SB 381.
- Underground wiring, electrical, communication facilities, installation, costs, provisions, \*SB 164, CH. 103 EX.
- Utilities, use, gambling activities, reporting provisions, SB 794.

COMMUNITY COLLEGE DISTRICT NO. 21:

- Stimpson, Mrs. E. K., trustee board member, appointment, confirmation, \*\*GA 54 . . . . . pp. 105, 901, 1303

COMMUNITY COLLEGE EDUCATION BOARD: (see also Community College)

- Landon, L. Evert, state board, member, appointment, confirmation, \*\*GA 10 . . . . . pp. 98, 1620, 1779
- Morford, Donald K., state board, member, appointment, confirmation, \*\*GA 9 . . . . . pp. 97, 1544, 1779
- Young, Andrew, state board, member, appointment, confirmation, \*\*GA 11 . . . . . pp. 98, 1544, 1779

COMMUNITY COLLEGES:

- Administrative procedures act, established, \*SB 469, CH. 57 EX.
- Athletic programs, intercollegiate, athletic financial assistance, funds, sources, provisions, \*SB 35, CH. 28 EX.
- Board, federal, state funds, comprehensive unified distribution, program costs, study, \*SCR 3.
- Bonding authority, provisions, SB 383.
- Building, construction, financing, 100% general tuition fees pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.
- Capital projects, improvements, anticipated expenditures, OPPFM report required, \*Sub HB 152, CH. 276 EX. PV.
  - Bonds authorized, SB 860.
  - Budget funds use, competitive bids, contracts, required, \*Sub HB 152, CH. 276 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COMMUNITY COLLEGES—Continued:

- College, university, faculty, employees, certain, teachers' retirement system, membership, provisions, \*SB 368, CH. 261 EX.
- Conduct, colleges, universities, students, faculty, established, SB 518.
- Costs, optional, capital, review, report, \*SCR 5.
- Credits, college, transfer, status, study, \*HCR 35.
- Disruptive students, expulsion, dismissal procedures, SB 30, SB 197, SB 577.
- Districts, consolidations, feasibility study, HCR 8.
- Dormitories, approval, establishment, college board authority, SB 133.
- Capital improvements budget funds, use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Employee organization, negotiations, trustee boards, academic employees, provisions, \*HB 739, CH. 196 EX.
- Employees, certificated, negotiations procedures, arbitration, mediation provisions, SB 43.
- Obsolete negotiations provisions repealed, HB 13.
- Faculties, employees, salary increases, same job classification, not permitted, \*Sub HB 151, CH. 275 EX. PV.
- Faculty, average weekly classroom contact, minimum hours established, \*Sub HB 151, CH. 275 EX. PV.
- Funds, federal, state, comprehensive unified distribution, program costs, study, \*SCR 3.
- Intercollegiate athletics, student participation, financial assistance, provision, \*SB 35, CH. 28 EX.
- Lower Columbia, supplemental appropriation, 1971-73 biennium budget, SB 921.
- Nonacademic services, facilities, financing, special student fees, authorized, SB 383.
- Operating expenses, administration, noninstrumental purposes, 50% limitation, SB 805.
- Operation, studies, interference, violence, unlawful, \*HB 15, CH. 45.
- Post high school, education, systems, financial support, study, \*HCR 7.
- Programs, standard categories, academic, vocational-technical, institutional, reporting, information, study, \*HCR 7.
- Protective service contracts, provisions, SB 804.
- Quarter system basis, provision, HB 559.
- Sabbatical leaves, certain number, authorized, \*Sub HB 151, CH. 275 EX. PV.
- Sabbaticals, stipends, 1971-73 biennium, granting, authority suspended, SB 867.
- Satellite campuses, capital improvements budget funds, use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Legislative approval required, SB 133, SB 134.
- Seattle, south campus, engineering technology building, final unit, construct, equip, appropriation, \*Sub HB 152, CH. 276 EX. PV.
- Speakers, from outside Washington state, payment, tuition fees use, prohibited, SB 383(a).
- Students, campus disorders, participation, expulsion provisions, SB 30.
- Disruptive, expulsion, dismissal procedures, SB 30, SB 197, SB 577.
- Needy, loan fund established, tuition fee financing provisions, \*Sub HB 740, CH. 279 EX. PV.
- Pursuing high school diploma, free tuition, SB 815, SB 829.
- Tidelands, Ballard tidelands area, community college board, state conveyance, \*SB 82, CH. 241 EX.
- Transfers, colleges, universities, policies, procedures, study, \*HCR 35.
- Tuition, fees, new categories, rate schedules, established, \*Sub HB 740, CH. 279 EX. PV.
- Payment, deferral, promissory note, provisions, SB 877.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

COMMUNITY COLLEGES—Continued:

Veterans, layoffs, reemployment, state preference, seniority credits, provisions, HB 1059, \*SB 857, CH. 19 EX.

COMMUNITY PROPERTY:

Women, married, rights extended, HB 551.

COMPANIES:

Installment loan, licenses, regulation, SB 766.

Insurance, holding, comprehensive regulatory provisions, SB 596, \*SB 380, CH. 13 EX. PV.

Regulation, SB 596.

Insolvent, life and disability insurance guaranty association, payment provisions, \*SB 17, CH. 259 EX.

Certain, insurance, guaranty association, payment provisions, \*SB 18, CH. 265 EX.

Natural gas, pre-1960 mergers, anti-trust laws exemption, petitioned, \*SJM 17.

CONCESSIONS:

Parks, state, leases, alteration, amending, provisions, SB 789.

CONFERENCES:

Judicial, annual, out of state locations provision, SB 253.

CONGRESSIONAL DISTRICTS:

Political parties, caucuses, conventions, meetings, regulation, Sub HB 440, SB 395.

Redistricting, reapportionment, seven districts, HB 873(a).

Title only, HB 873.

CONGRESSMEN:

Financial statement, written, filing required, SB 550.

CONNOR, SENATOR FRANK T.:

Reply to protest, SFR 39 ..... pp. 783-785

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CONSERVATION AND DEVELOPMENT:

Conservation futures, open space land, purchase authorized, HB 586, \*SB 185, CH. 243 EX.

Open space land, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.

Property, real, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.

CONSOLIDATION:

Counties, single-purpose special districts, provisions, SB 388.

School districts, joint, administration, funding, county classification provisions, SB 464.

CONSTITUTIONAL AMENDMENTS:

Amendments, multiple article, sections, permitted, HJR 35.

Annual sessions, 90/30 days, HJR 34.

90/60 days, HJR 34(a).

City-county municipal corporations, establishment, \*HJR 21.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CONSTITUTIONAL AMENDMENTS—Continued:

- County officials, own compensation, determination, authorization provision, \*SJR 38.
- Credit, state, public purposes, loan authorized, SJR 22.
- Debts, state, contracting permitted, \*HJR 52.
  - Newspaper notice, one time publication provision, HJR 27(a).
  - Publication provision repealed, HJR 27.
- Gateway amendments, Article XXIII revised, HJR 35.
- Governor, veto power, entire sections, appropriation items, limitations, SJR 14.
- Gubernatorial succession, provisions revised, HJR 22.
- Indians, voting franchise, restriction removed, HJR 30.
- Legislature, annual sessions, 90/30 days, HJR 34.
  - 90/60 days, HJR 34(a).
  - Extraordinary session, specific purpose, convene self, authority, Sub SJR 13.
- Lottery, legislative, initiative, referendum vote provisions, \*SJR 5.
  - State operated, \*SJR 5.
- Notice, newspaper publication provision, repeal, HJR 28.
- Property tax, assessed valuation, 25%, 40 mills, \*SJR 1.
  - Excess levies, 3/5 majority, 40% previous election vote, \*HJR 47.
- Taxes, exemptions, exclusions, decennial review, \*HJR 1.
- U.S., voting age, 18, ratification, \*HJM 15, \*SJR 36.
- Voters, English language reading requirement repealed, HJR 30.
  - Residency time requirements, reduced, HJR 30.
- Voting age, reduced to 18, HJR 30(a).

## CONSTRUCTION:

- Asbestos use, regulation, HB 927.
- Buildings, avalanche areas, zoning, land use, regulation, SB 547.
- Capital improvements budget, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
  - Capital projects, state, appropriation purposes, defined, \*Sub HB 152, CH. 276 EX. PV.
    - Projects, improvements, state, budget funds use, competitive bids, contracts, required, \*Sub HB 152, CH. 276 EX. PV.
- Colleges, universities, bonds, financing, 100% general tuition fees, pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.
  - Building construction, remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.
- Capital improvements, anticipated expenditures, OPPFM report required, \*Sub HB 152, CH. 276 EX. PV.
  - Married student housing, construction, 1971-73 biennium, expenditure prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Community colleges, dormitories, capital improvements budget funds, use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
  - Satellite campuses, capital improvements budget funds, use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Contractors, surety bonds, claims, priorities, revised, Sub HB 596.
  - Priorities revised, separate actions, judgments, payment provisions, Sub HB 596.
- Ferries, contract awards, excessive unemployment periods, state shipbuilder preference, provisions, \*SB 906, CH. 21 EX.
- Highway district engineers, bids, construction maintenance contracts, authorized, \*HB 397, CH. 78 EX.
- Highways, expediting, employment increase purposes, \*HCR 42.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## CONSTRUCTION—Continued:

- Hospital contracts, discriminatory practice prevention, reviews, Sub HB 946.
- Hospitals, nursing homes, certification of need, issuance provisions, SB 638, \*Sub HB 553, CH. 198 EX.
- Industrial insurance, accident prevention incentives, protective premium formula, industry dividend returns, \*SB 472, CH. 274 EX.
- Public accommodation building, physically handicapped, aged persons, design standards, \*HB 841, CH. 219 EX.
- Public works, all, local code adherence, SB 19.
  - Contracts, nondiscrimination clauses, required, Sub HB 541, SB 398.
- Schools, building bond redemption fund, construction fund interest, appropriation, \*Sub HB 151, CH. 275 EX. PV.
  - Buildings system project, development, implementation, SB 109, \*Sub SB 109, CH. 238 EX.
- Seattle community college, south campus, engineering technology building, construct, equip, appropriation, \*Sub HB 152, CH. 276 EX. PV.
- Spokane, state building, acquisition, financing, leasing, provisions, \*SB 739, CH. 3 EX.
- Water well, licenses, regulation, \*HB 495, CH. 212 EX.

## CONSUMER GOODS:

- Grocery chain, two or more stores, differing prices, qualities, unfair practice provision, SB 508.

## CONSUMER PROTECTION:

- Banking, insurance, commerce, regulatory agencies, public interest, protection, laws, study, \*SCR 32.
  - Transportation, public interest, protection, laws, study, SB 668.
- Commerce, regulatory agencies, public interest, protection, laws, study, SB 668(a).
- Consumer services, agriculture department, renamed, HB 1116, SB 495.
- Credit, consumer, uniform code enacted, SB 213.
  - Reports, rating correction provisions, SB 775.
- Grocery chain, two or more stores, differing prices, qualities, unfair practice provision, SB 508.
- Merchandise, defective, warranty, cash payments provisions, SB 604.
- Retail installment sales, interest rate, increased to 15%, HB 718.
- Title only, SB 680, SB 684.
- Unfair competition, deceptive acts, suits, class action, court civil rule 23, use authorized, SB 792.

## CONTAINERS:

- Asbestos, standards, regulation, HB 927(a).
- Bacon, packaging, standards, \*HB 41, CH. 49.
- Beverage, control, return, recycling, SB 513.
- Food, deposit charges, tax exempt, SB 87.
- Liquor, damaged shipping containers, sale provisions, SB 529.

## CONTRACEPTIVES:

- Advertising, articles, medicine, prohibition removed, SB 505, \*HB 853, CH. 185 EX.
- Prophylactic vendors, law, repealed, SB 768.
- Sale, distribution, prohibition removed, \*HB 853, CH. 185 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**CONTRACTORS:**

- Bonds, in lieu performance, contract amount retention, percentage provision revised, SB 578.
- Surety, amounts, schedule revised, SB 811.
- Claims, priorities, revised, Sub HB 596.
- Priorities revised, separate actions, judgments, payment provisions, Sub HB 596.
- County contracts, award, bidder bond provision, time specification revised, SB 833.
- Definition, broker, provision added, SB 811.
- Electrical, utility bid proposal, financial, experience statement filing required, \*HB 813, CH. 220 EX.
- Liens, owner's agent, provisions, HB 564, \*SB 183, CH. 94 EX.
- Public contracts, public works, nondiscrimination clauses, required, Sub HB 541, SB 398.
- Roads, state, sales tax provisions, inclusion, \*Sub SB 897, CH. 299 EX. PV.
- Water well, licenses, regulation, \*HB 495, CH. 212 EX.
- Workmen's compensation, injuries, death, third party contractor negligence, right of action, HB 538.

**CONTRACTS:**

- Cancellation, installment sales, three-day notice period, registered mail provision, HB 67.
- Capital projects, improvements, state, budget funds use, competitive bids, contracts, required, \*Sub HB 152, CH. 276 EX. PV.
- Cemetery merchandise, services, prearranged, regulation, SB 235.
- Colleges, universities, building construction, remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.
- Protective service contracts, provisions, SB 804.
- Contract compliance officer, hospital construction, discriminatory practices, review, investigation, provisions, Sub HB 946.
- Disability insurance, chiropractic services, contracts, coverage, \*SB 380, CH. 13 EX. PV.
- Psychological services, contracts, coverage, SB 379, \*HB 684, CH. 197 EX.
- Districts, public utilities, purchases, certain, provisions, \*HB 813, CH. 220 EX.
- Educational service corporations, school district contracts, authorized, SB 464(a), SB 911.
- Eighteen year olds, legal majority, certain purposes, provisions, HJR 30(a), SB 375, \*Sub HB 309, CH. 292 EX. PV.
- Ferries, construction, contract awards, excessive unemployment periods, state shipbuilder preference, provisions, \*SB 906, CH. 21 EX.
- Fish feed, public purchases, 5% in-state differential, authorized, \*SB 903 VETOED.
- Funerals, pre-need, regulation, HB 578.
- Gas piping and gas appliance installation contractors, licensing, regulation, SB 451.
- Health care services, insurance, chiropractors, inclusion required, SB 696.
- Osteopaths, inclusion required, SB 696(a).
- Optometrist discrimination, company officials, physicians, penalties, SB 616.
- Highways, construction, expediting, employment increase purposes, \*HCR 42.
- District engineers, bids, construction maintenance contracts, authorized, \*HB 397, CH. 78 EX.
- Emergency restoration, bid, provisions, \*SB 312, CH. 4.
- Plans, specifications, maps, bid purposes, sale provisions, \*SB 143, CH. 36.
- Hospital construction, discriminatory practice prevention, reviews, Sub HB 946.
- Installment sale, cancellation, three-day notice period, registered mail provision, HB 67.
- Insurance, physical disability, unknown pre-existing, disallowance provisions, void, SB 480.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CONTRACTS—Continued:

- Policy amount, deemed true value, SB 473.
- Misstatements, defense, time limitation, reduced, SB 474.
- Specific risk rate, excess of filing rate, limitation, SB 478.
  - Prohibited, SB 506.
- Land, state, building authority, higher education purposes, 75-year leases authorized, \*SB 918, CH. 23 EX.
- Memberships, rights, privileges, cancellation provisions, SB 482.
- Municipalities, officers, personal interest, \$3,600 awards limitation, \*SB 176, CH. 242 EX.
- Personal service, capitol committee approval required, SB 351.
  - Filing, prior to fund obligation, requirement, \*Sub HB 151, CH. 275 EX. PV.
- Public, in lieu contractual performance bond, title only, SB 826.
  - Improvements, contract amounts, retained percentage tax lien priority, increased to \$20,000, \*Sub SB 897, CH. 299 EX. PV.
  - Works, cities, towns, over \$5,000, high bid rejection, construction by municipality authorized, \*SB 863, CH. 116 EX.
    - In lieu contractor performance bonds, contract amount retention, percentage provision revised, SB 578.
    - Nondiscrimination clauses, required, Sub HB 541, SB 398.
- Roads, state, contractors, sales tax provisions, inclusion, \*Sub SB 897, CH. 299 EX. PV.
- School buses, governmental agency emergencies, contracts, leases authorized, SB 46, \*HB 75, CH. 24.
  - Handicapped children transport, leases, authorized, \*HB 322, CH. 78.
- Districts, research services, private individuals, agencies, authorized, \*SB 168, CH. 93 EX.
- Second parties, indemnification, liability exoneration, unenforceable, SB 902.
- Services, personal, state, filing, required, \*Sub HB 151, CH. 275 EX. PV.
- State, personal service, filing, required, \*Sub HB 151, CH. 275 EX. PV.
- Teachers, certificated employees, non-return, notice requirement, SB 94, SB 286(a).
  - Renewals, legislative session year, notice provision, SB 286.
  - Supplemental, continuing, provisions, SB 303.
- Water districts, cities, towns, facilities, operation, acquisition, provisions, SB 270, \*Sub SB 542, CH. 272 EX.

CONTRIBUTIONS:

- Political campaigns, expenditures, reporting provisions, SB 15.

CONTROLLED SUBSTANCES:

- Drugs, uniform act, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.

CONVENTIONS:

- Political parties, caucuses, meetings, regulation, Sub HB 440, SB 395.

CONVENTS:

- Property, real, tax exempt, \*HB 38, CH. 64 EX.

COONEY, SENATOR JOHN L.:

- Protest, reply to, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**COOPERATIVES:**

Associations, corporations, merger provisions, \*HB 800, CH. 221 EX.

**COPYRIGHT:**

Music, certain listing, publication filing provisions, repealed, HB 224(a).

List compilations, availability provisions, revised, HB 224.

**CORPORATIONS:**

Bank stock, acquisition restriction, SB 276.

Charitable trusts, formation, trustee, administration purposes, provisions, \*HB 84, CH. 226 EX.

Cooperative associations, corporations, merger provisions, \*HB 800, CH. 221 EX.

Domestic, annual license, failure to pay, certified mail notice, requirement deleted, \*HB 225, CH. 142 EX.

Foreign, licenses, filing fees, surtax imposed, \*SB 738, CH. 2 EX.

Educational service, demonstration schools, authorized, SB 464(a), SB 911.

Ferry construction, contract awards, excessive unemployment periods, state shipbuilder preference, provisions, \*SB 906, CH. 21 EX.

Filings, searches, certain, fees increased, HB 431, \*HB 254, CH. 133 EX.

Foreign, applications, documents, simplification, \*HB 220, CH. 22.

Foundations, not for profit, certain tax related activities, prohibited, SB 223, \*HB 217, CH. 59.

Income, principal, classification, distribution, share rights, trustee apportionment, \*HB 66, CH. 74.

Income tax, single rate, individuals, graduated rate, structure revised, provisions, SB 923.

Medical service, nonprofit, formation, operation, authorized, SB 618.

Mergers, share, cash, property conversions, provisions, \*SB 564, CH. 38 EX.

Mortgage corporations, U.S., securities, bank, trust company investment, authorized, HB 274.

Municipal, combined city-county, establishment, SB 101.

Nonprofit, definition, unemployment compensation purposes, SB 120, \*HB 199, CH. 3.

Domestic provisions, transfer election authorized, \*SB 126, CH. 53 EX.

Employees, unemployment compensation, coverage extended, SB 120, \*HB 199, CH. 3.

Existence cessation, certified mail notice, requirement deleted, \*HB 222, CH. 128 EX.

Health care, formation, operation, authorized, SB 618.

Records, filings, information, fees, revisions, HB 253.

Parent, computer services, B & O tax, compensation deduction, SB 754, \*HB 144 VETOED.

Professional service, shareholder, officer requirements, \*HB 143, CH. 57.

Secured transactions, uniform commercial code, searches, copies, fees increased, HB 226.

Small claims courts, claim filing, prohibited, SB 210.

Special public, scientists, engineers, employment, petitioned, HJM 21.

Trusts, legal business, solicitation authorized, SB 279.

**CORRESPONDENCE COURSES:**

Membership contracts, cancellation provisions, SB 482.

**COUNCILS:**

Apprenticeship, created, SB 509.

Community colleges, standard categories, academic, vocational-technical, instructional,

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## COUNCILS—Continued:

- reporting, information, study, \*HCR 7.
- Comprehensive health planning advisory council, created, duties, SB 638, \*Sub HB 553, CH. 198 EX.
- Higher education, college, universities, requirements analysis, uniform reporting, elements, information development, study, \*HCR 7.
  - Post high school, financial support, study, \*HCR 7.
  - Private institutions, programs, contracting, state plan, HB 441.
- Judicial, landlord-tenant laws, study, HCR 23.
  - Membership increased, appeals court judges, added, HB 185, \*SB 241, CH. 40.
- Marine, created, Sub HB 592, SB 452.
- Occupational education, coordinating council, vocational education needs, study, \*SCR 23.
  - Duties, HB 634.
  - Population study, established, SB 324.
- Social and health services, advisory, restructuring, establishment, provisions, \*Sub HB 417, CH. 189 EX.
- State building code, created, SB 364.
- Thermal power plants, operation, environmental impact study, SB 665.
- Vocational education advisory, executive director, appointment provision, HB 604.
- Workmen's compensation advisory, appointment, powers, duties, \*HB 735, CH. 289 EX. PV.

## COUNTIES:

- Airports, municipal, revenue warrants, issuance authorized, SB 218, \*HB 403, CH. 176 EX.
- Air space corridors, public agencies acquisition, provisions, \*SB 363, CH. 39 EX.
- Alcoholism programs, facilities, state financial assistance, approval requirements, \*SB 214, CH. 104 EX. PV.
- Ambulance system, establishment, SB 123.
- Annexation, review board, optional code, provisions, SB 678, \*Sub SB 678, CH. 251 EX.
- Arrest, officer possession not required, issuance statement provision, SB 438.
- Assessors, administrative operation costs, local government share, payment provisions, SB 587.
- Association, state, name change, \*HB 738, CH. 85 EX.
- Associations, public employees' retirement system, membership authorized, \*SB 522, CH. 271 EX.
- Beach traffic advisory committees, three created, HB 555(a).
- Boards of equalization, special, general purposes, recovering, SB 420.
- Bonds, coupons, signature provision, expanded, seal imprinting, authorized, HB 516(a).
  - Rate, double amendment, previous session, corrected, \*HB 95, CH. 9.
- Budget, expenditures, in excess of appropriations, officers, employees, liability, SB 552.
  - Hearings, date provision, \*HB 765, CH. 136 EX.
- Cemetery districts, establishment, \*SB 8, CH. 19.
- Charters, model, advisory committee, created, \*HCR 39.
  - Statutory optional, alternative proposals, study, \*HCR 39.
- Child care centers, ADC families, class AA, A counties, authorized, SB 152.
  - Services, demonstration, pilot projects, Sub SB 152.
- Citizens-legislative task force, established, capital improvements, state bond issues, program study, HB 778.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COUNTIES—Continued:

- City-county municipal corporations, establishment, SB 101, \*HJR 21.
- Claims fund, establishment provision, \*HB 438, CH. 214 EX.
- Class AA, home rule, port districts, metropolitan municipal corporations, duties, assumption authorized, SB 776.
- Commissioners, definition, governmental authority, charter county, included, \*SB 865, CH. 117 EX.
- Community mental health programs, boards, funding, provisions revised, \*HB 277, CH. 204 EX.
- Conservation futures, land, county purchases, tax levy imposed, other taxing districts, reduced, HB 586, \*SB 185, CH. 243 EX.
  - Open space land, county purchases, provisions, HB 586, \*SB 185, CH. 243 EX.
  - Purchase authorized, HB 586, \*SB 185, CH. 243 EX.
- Contracts, bidder bond provision, time specification revised, SB 833.
- Cremated remains, permit, disposition, regulation, SB 574.
- Dance halls, set-up service permitted, special class X liquor license, established, SB 555.
- Economic opportunity act, programs, participation, provisions, \*HB 430, CH. 177 EX.
- Elections, annual general, odd-numbered years, state, local costs prorated, HB 463, SB 180.
- Employees, collective bargaining, general revisions, SB 429, SB 627.
  - Tax deferred annuity plans, provisions, \*SB 659, CH. 264 EX.
- Equalization board, duties, appeals referrals, equalization, HB 518.
- Felons, criminals, apprehension, rewards, authorized, SB 433, \*Sub SB 441, CH. 302 EX. PV.
- Festivals, outdoor music, permits, regulation, authorized, SB 411.
- Fire protection districts, commissioners, meeting absenteeism, removal provisions, \*HB 766, CH. 153 EX.
- First class, voting devices, tally systems, use, SB 96.
- Fiscal agencies, designation provision revised, \*HB 437, CH. 79 EX.
- Garbage, refuse collection, collection districts, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
- Highway facilities, new, prior to establishment, public hearings required, HB 769, SB 722.
- Highways, location, design, public hearings, required, HB 769, SB 722.
- Hospitals, mentally ill, detention, observation, cost recovery, SB 157.
- Housing authorities, class A counties, east of Cascade mountains, need, referendum provisions, \*SB 884, CH. 300 EX. PV.
  - Creation, gubernatorial authority provisions, SB 628.
- Hunting, elk, deer, either sex season, commissioner approval provision, \*HB 773, CH. 183 EX.
- Indebtedness, limitations revised, \*HB 211, CH. 76.
- Infirmaries, public assistance recipients, indigents, services, payment, \*HB 313, CH. 277 EX. PV.
- Law enforcement officers, emergencies, other municipalities, arrest powers, SB 871.
  - Firemen, service credits, prior employment, retirement purposes, SB 204, SB 353.
- Law libraries, county, regional, support, fee amount increase, provision, \*HB 218, CH. 141 EX.
  - Regional, authorized, \*HB 218, CH. 141 EX.
- LID assessments, payment deferrals, relief, certain individuals, SB 589, SB 760.
- Liquor retailer's premises, entertainment permission, liquor board, concurrent jurisdiction, SB 166.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COUNTIES—Continued:

- Tax, alcoholism program, share, allocation requirement, \*SB 214, CH. 104 EX. PV.
- Local government, obsolete code material, repealed, \*HB 211, CH. 76.
- Relationship, state government, legislative municipal committee, study provisions, SB 682.
- Title only, HB 516, SB 608, SB 609, SB 610, SB 645, SB 646.
- Meetings, open public, provisions, \*SB 485, CH. 250 EX.
- Mental health, county funds, state transfer, federal matching purposes, \*HB 707, CH. 84 EX.
- Mobile homes, excise tax, county share, retention provisions, SB 625.
- Motor vehicle excise tax, special, mass transit purposes, population basis formula, distribution, SB 413, \*HB 543, CH. 199 EX.
- Museums, historical, operation, maintenance expenditures, maximum limitation provisions, repealed, \*SB 195, CH. 39.
- Officers, contracts, personal interest, \$3,600 awards limitation, \*SB 176, CH. 242 EX.
- Officials, certain elected, bond requirements, increased, \*SB 97, CH. 71.
- County class reduction, population losses, salaries not reduced, SB 220.
- Elected, salaries, title only, SB 799.
- Employee, road traffic signs, failure to comply with state standard, injuries, liability limitation, SB 833.
- Nonelected, bonds, provisions, \*SB 97, CH. 71.
- Recall proceedings, signatures, filing time, limitation provisions, \*Sub HB 214, CH. 205 EX.
- Salaries, increased, \*SB 512, CH. 237 EX.
- Open space land, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.
- Optional municipal code, officer elections, salary increases, general revisions, SB 678, \*Sub SB 678, CH. 251 EX.
- Ordinances, initiative, referendum provisions, SB 16, Sub SB 16.
- Parking, business improvement areas, establishment authorized, \*SB 130, CH. 45 EX.
- Parks, property conveyances, governmental unit, provisions, \*SB 185, CH. 243 EX.
- Parole violators, jail detention, costs, reimbursement, SB 443.
- Port districts, area annexation, not part of existing district, provisions, \*HB 88, CH. 157 EX.
- Less than county size, provision deleted, \*HB 88, CH. 157 EX.
- Probation service programs, state funds, payment, average base commitment rate, use provisions, SB 468, \*HB 575, CH. 165 EX.
- Property, public, intergovernmental transfers, authorized, SB 392.
- Real, certain tax exemption requests, procedures, fees, SB 779.
- Conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.
- Revaluation plan, assistance, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Tax valuation, changes, \$1,000 or more, owner notice requirements, SB 427.
- Property, tax advisor, appointment, duties, \*Sub HB 283, CH. 288 EX. PV.
- Revaluations, increases, entire county requirements, SB 424.
- Public records, open, inspection provision, SB 477.
- Utilities, services, bills, each utility, separate amount, indicated, HB 753.
- Works, local, advance planning, provisions, HB 680.
- Railroad grade crossings, speed, regulation, \*HB 229, CH. 143 EX.
- Records, certain, retention, period reduced, \*SB 40, CH. 29.
- Regulations, state, electricity, labor and industries, boilers, elevators, adoption by reference, prohibited, \*SB 865, CH. 117 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COUNTIES—Continued:

- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- Review boards, water, sewer district, formation, consolidation, mergers, intention notice, filing provision, SB 99, \*Sub HB 142, CH. 139 EX.
- Road districts, single district, each county, provisions, SB 781.
  - Millage funds, use, other purposes, permitted, SB 284, SB 310, \*HB 248, CH. 25 EX.
- Roads, certain small projects, day labor, use authorized, SB 497.
  - Construction, improvements, public utility facilities, relocation, cost payment provision, SB 718.
- Safety awards, employees, authorized, \*HB 523, CH. 79.
- Salary fund, class AA, A counties, amount authorized, increased, \*HB 438, CH. 214 EX.
  - Smaller than first class, establishment provision, \*HB 438, CH. 214 EX.
- School district directors, class AA, certain, four-year terms, SB 406.
- School districts, joint, consolidation, administration, funding, county classification provisions, SB 464.
  - State aid, weighted student enrollment, actual enrollment reporting provisions, SB 535.
- Sewer districts, boundaries, one or more counties, provisions, SB 542, \*Sub SB 542, CH. 272 EX.
- Sewer, water, county, established, duties, SB 675.
  - Districts, formation, consolidation, mergers, approval requirement, SB 99, \*Sub HB 142, CH. 139 EX.
    - Mergers permitted, \*HB 567, CH. 146 EX.
  - Rates, services, facilities, across boundaries, unincorporated areas, review, \*Sub SB 139, CH. 96 EX.
  - Utilities, general plans, facilities, description, technical feasibility provisions, inclusion, SB 139, \*Sub SB 139, CH. 96 EX.
- Sewerage systems, waste disposal, permits required, HB 903.
- Sheriff's department, legal advisor, civil service exempt, HB 516(a).
- Shorelines, management, regulation, program administration, SB 584, \*Sub HB 584, CH. 286 EX. PV.
- Single-purpose special districts, consolidation, SB 388.
- Solid waste collection districts, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
  - Management plans, needs, franchise, boundary, population information, additional requirements, \*SB 52, CH. 293 EX. PV.
- Stadiums, special excise tax, hotels, motels, all counties, imposition authorized, SB 769.
- Subdivisions, plats, hearings publication notice defects, validation, \*SB 391 VETOED.
- Superior court sessions, other than county seat location, authorized, \*SB 277, CH. 60 EX.
- Surplus property, intergovernmental transfers, authorized, SB 392.
- Tax notices, mailed, receipt use provisions, \*HB 251, CH. 35 EX.
- Taxes, conservation futures land, purchases, payment, imposition, HB 586, \*SB 185, CH. 243 EX.
  - Delinquent, interest, state, taxing district, credit distribution, SB 154.
  - Property erroneous payment, refund provision, HB 110, SB 236.
  - Real property, revaluation adjustments, inspectional intervals, statistical data use authorized, SB 296, SB 855.
  - Sales, use, local, city share limitation, expiration date removed, SB 806.
    - Clarified, SB 650.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COUNTIES—Continued:

- Television reception improvement districts, authorized, financing provisions, \*Sub HB 1041, CH. 155 EX.
- Territory, transfer to another county, petition, election, provisions, HB 1073.
- Title only, SB 683, SB 714.
- Tourist promotion, expenditures authorized, \*SB 579, CH. 61 EX.
- Transit, public systems, financing, excise tax authorized, \*SB 691, CH. 296 EX. PV.
- Trees, vegetation, debris, road obstruction, welfare menace, property owner, removal requirement, SB 833.
- Trucks, overload fines, allocation, annual distribution provisions, \*HB 30, CH. 17.
- Tractors, overlegal loads, special permits, issuance, \*Sub SB 401, CH. 248 EX.
- Trust monies, public depositories, deposits authorized, SB 677.
- Urban arterial board, reporting, advance planning, time periods revised, \*HB 759, CH. 291 EX. PV.
- Voter registration records, general revisions, SB 583, \*HB 372, CH. 202 EX.
- Voting devices, tally systems, use, all elections, all counties, authorized, SB 198, \*HB 215, CH. 6 EX.
- Warrants, search, justice courts issuance authorized, SB 438.
- Uncalled, one-year cancellation provisions, \*HB 44, CH. 120 EX.
- Water, management, use, local government functions, study, HB 278.
- Sewer districts, state lands, assessments authorized, \*SB 314, CH. 234 EX.
- Zoning, variances, exceptions, automatic lapsing, HB 525.

## COUNTY OFFICERS—ASSESSORS:

- Administrative operation costs, local government share, payment provisions, SB 587.
- Assistants, deputies, education, experience backgrounds, requirements, \*HB 166, CH. 27 EX. PV.
- Information manual, property taxes, taxpayer petition, appeal preparation assistance, provision, HB 167.
- Licensing, examination, \*HB 166, CH. 27 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- Property, assessed valuation, evaluation procedure, improperly performed, notice distribution provision, \*SB 925, CH. 42 EX.
- Real, assessment roll, development, use restrictions, recording required, HB 167(a).
- Taxes, real property, assessed value, prior, new, taxpayer notice, county assessor, required, \*Sub HB 283, CH. 288 EX. PV.
- Cyclical revaluation program, periodic inspection, revisions, required, \*Sub HB 283, CH. 288 EX. PV.
- Evaluations, illegal, unconstitutional, owners notice required, \*Sub HB 283, CH. 288 EX. PV.
- Revaluation program, periodic inspection, revisions, required, SB 924.
- Timber, listing, values, assessment rolls, provisions, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Timberlands, appraisal manual revision, updating, hearings, SB 850.

## COUNTY OFFICERS—AUDITOR:

- Mobile homes, identification tags, issuance, provisions, \*Sub HB 69, CH. 231 EX.
- Voter registration records, custodian, duties, provisions, SB 583, \*HB 372, CH. 202 EX.

## COUNTY OFFICERS—PROSECUTING ATTORNEYS:

- Counties, fourth class, locus of state university, college, salary provision, \*SB 512, CH. 237 EX.
- Third class, private practice, salary provisions, revised, \*SB 512, CH. 237 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COUNTY OFFICERS – PROSECUTING ATTORNEYS—Continued:

- Office, nonpartisan, SB 14.
- Recalls, charges, constitutional requirements, time limitation, provisions, \*Sub HB 214, CH. 205 EX.
- Salaries, one-half, state payment, requirement, repealed, HB 487.

## COUNTY OFFICERS—SHERIFFS:

- Applicants, standard medical entrance requirements, SB 234.
- Communication utilities, use, gambling activities, reporting provisions, SB 794.
- Drug agents, special, deputies, extraterritorial jurisdiction, \*Sub SB 441, CH. 302 EX. PV.
- Legal advisor, sheriffs' department, civil service exempt, HB 516(a).
- Office, nonpartisan, SB 14.
- Services, officials, fees increased, SB 412.

## COUNTY OFFICERS—TREASURERS:

- Taxes, property, revenue, anticipated, state report required, \*Sub HB 283, CH. 288 EX. PV.

## COUNTY OFFICIALS:

- Bonds, coupons, signature provision, expanded, seal imprinting, authorized, HB 516(a).
- Fidelity, elected officials, amount increased, \*SB 97, CH. 71.
- Nonelected officials, provisions, \*SB 97, CH. 71.
- Clerks, records, certain, retention, period reduced, \*SB 40, CH. 29.
- Compensation, own, determination, authorization provision, \*SJR 38.
- Elected, certain, bond requirements, increased, \*SB 97, CH. 71.
- Nonelected, bond requirement, provisions, \*SB 97, CH. 71.

## COURT ADMINISTRATORS:

- Supreme court, salary ceiling removed, SB 238.

## COURT REPORTERS:

- Compensation, increased, judicial districts, size reduced, SB 732.
- Salaries, county class reduction, population losses, not reduced, SB 220.

## COURTS:

- Accused persons, rendition, uniform act, enacted, \*SB 249, CH. 17 EX.
- Administration, interference, obstruction, crime, SB 441, \*Sub SB 441, CH. 302 EX. PV.
- Adoption, petitioners, prospective, preplacement study, provisions, \*Sub HB 762, CH. 172 EX.
- Appeals, appeal procedures, general revisions, \*SB 449, CH. 107 EX.
- Budget estimates, submission to governor, provision, SB 448.
- Court commissioner judgments, appropriate court provision, HB 154.
- Decisions, precedential value opinions, publication provisions, SB 390, \*Sub SB 390, CH. 41.
- Publication, supervision, commission jurisdiction, \*SB 447, CH. 42.
- Provisions, existing laws, inclusion, \*SB 122, CH. 81.
- Publication supervision commission, membership, appeals court judge added, \*SB 447, CH. 42.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COURTS—Continued:

- Reports, publication, distribution provisions, \*SB 447, CH. 42.
- U.S., Seattle based, creation petitioned, SJM 7.
- Civil actions, proceedings costs, poverty allegation, cost waiver provisions, SB 484.
- Consumer protection, unfair deceptive acts, class action suits, court civil rule 23, use authorized, SB 792.
- Counsel, indigent juveniles, delinquents, state provisions, SB 57.
- Defendants, criminal cases, prior judgments, information, social and health services, provision, \*SB 108, CH. 295 EX. PV.
- District court act, inferior courts, all counties, provisions, SB 118, SB 245.
- Justice court, names, alternate referrals, \*SB 244, CH. 73.
- Family, spouses, outside specialist aid, expense provisions, SB 527, \*HB 694, CH. 151 EX.
- Filing fees, county law library support, increased, SB 251.
- Higher, judges salaries, state per capita personal income basis, annual adjustments, SB 613, SB 848.
- Highways, condemnation actions, real estate, court costs, state payment provisions, SB 226, Sub SB 226.
- Indigents, certain cases, court counsel, state payment provisions, Sub HB 176.
- Inferior, all counties, district court act, provisions, SB 118, SB 245.
- Fidelity bonding provisions, SB 74.
- Interpreters, legal proceedings, non-English speaking individuals, provision, SB 470, Sub SB 470.
- Judgment debtors, court appearance, interrogatories, creditor remedies, provisions, \*HB 686, CH. 211 EX.
- Judicial retirement system, courts of record, established, \*SB 59, CH. 267 EX.
- Judiciary, title only, SB 809.
- Juries, 6 or 12 persons, request provisions, SB 127, SB 246.
- Justice, district court, names, alternate referrals, \*SB 244, CH. 73.
- Title only, SB 914.
- Juvenile delinquents, adjudicated, court placement, care payment, provisions, SB 553, \*Sub SB 553 VETOED.
- Juveniles, certain proceedings involving minors, other courts, public excluded, SB 224.
- Motor vehicle cases, no jurisdiction, SB 117.
- Litigation, commenced, statute enactment, affect presumption, HB 657(a).
- Pending, statute enactment, affect presumption, HB 657.
- Motor vehicle operators; juvenile offenders, minor violations, any court, jurisdiction, SB 436.
- Personal injury actions, attorney fees, provisions, SB 666.
- Probate, family support, amount provisions increased, SB 790.
- Probation hearings, presentence investigation, report, not required, SB 387.
- Records, certain, county retention, period reduced, \*SB 40, CH. 29.
- Electronic, proceedings, superior courts, provisions, SB 243.
- Sentences, criminal, rules, certain, revised, \*SB 108, CH. 295 EX. PV.
- Suspended, civil rights restoration, provision, \*HB 311, CH. 188 EX.
- Termination date, establishment provision, \*HB 311, CH. 188 EX.
- Small claims, certain plaintiffs, attorney general representation, SB 212.
- Filing by corporations, prohibited, SB 210.
- Superior, divorce decree, modification complaint, court scrutiny, SB 870.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## COURTS—Continued:

- Island, San Juan counties, judges, number revised, districts altered, SB 759, \*HB 643, CH. 83 EX.
- Law libraries, support, probate, civil filings, fee amount increase, provisions, \*HB 218, CH. 141 EX.
- Pierce county, judges, number increased, \*HB 643, CH. 83 EX.
- Sessions, other than county seat location, authorized, \*SB 277, CH. 60 EX.
- Skagit county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.
- Snohomish, Clark, Pierce counties, judges, number increased, \*HB 643, CH. 83 EX.
- Whatcom county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.
- Supreme, appeals, general revisions, SB 121.
  - Composition, title only, SB 791.
  - Judges, membership, reduced to five, SB 856.

## CRAWFISH:

- Commercial fishing, prohibited, \*SB 335, CH. 106 EX.

## CREDIT:

- Card plans, small loan company regulations, exempt, \*HB 660, CH. 37 EX.
- Cards, college tuition payments, factoring charges prohibited, HB 572.
- Collection agency act, \*Sub SB 796, CH. 253 EX.
- Consumer, uniform code enacted, SB 213.
- Judgment debtors, court appearance, interrogatories, creditor remedies, provisions, \*HB 686, CH. 211 EX.
- Manufacturers, eligible investment projects, factory improvements, B & O tax credit, SB 693.
  - Major factory improvements, B & O tax credits, SB 292, SB 693.
  - Tax credits, claims, two-year limitation, provisions, \*Sub SB 897, CH. 299 EX. PV.
- Metal manufacturing plants, under construction, tax credit, provision, \*Sub SB 897, CH. 299 EX. PV.
- Reports, rating correction provisions, SB 775.
- State, public purposes, loan authorized, SJR 22.

## CREDIT CARDS:

- Loan plans, small loan company regulations, exempt, \*HB 660, CH. 37 EX.

## CREMATION AND CREMATORIES:

- Cremated remains, permit, disposition, regulation, SB 574.

## CRIMES AND CRIMINAL PROCEDURES:

- Accused persons, rendition, uniform act, enacted, \*SB 249, CH. 17 EX.
- Alcoholism, intoxication, criminal provisions repealed, SB 205.
- Arrest, officer possession not required, issuance statement provision, SB 438.
- Attorney fees, justice court actions, reasonable, provisions, SB 631.
- Bail bonds, imposition, amounts, violations, established, SB 442.
- Child abuse, immediate report, failure to make, penalty, \*HB 305, CH. 167 EX.
  - Suspected, mandatory report, failure to make, crime, SB 818(a).

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## CRIMES AND CRIMINAL PROCEDURES—Continued:

- Cities, towns, counties, budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 552.
- Court administration, interference, obstruction, crime, SB 441, \*Sub SB 441, CH. 302 EX. PV.
- Criminal code, enacted, SB 384.
  - Extradition, uniform act, \*SB 514, CH. 46 EX.
  - Identification division, state patrol, created, SB 434, Sub SB 434.
  - Investigatory act, SB 239, \*HB 175, CH. 67 EX.
- Dog, cat theft, crime, SB 332.
- Drugs, abuse control, title only bill, SB 5.
  - Illegal sale, conviction, suspension, deferrals, prohibited, \*SB 108, CH. 295 EX. PV.
  - Sales, conspiracy defined, HB 513, SB 381.
    - Other transactions, second offense, penalties, HB 513, SB 381.
    - Private conversations, transmitting, recording provisions, HB 513, SB 381.
- Elections, candidates, purchases, for certain persons, prohibited, penalties, \*SB 612, CH. 112 EX.
- Explosives, use, malicious placement, penalty, minimum established, SB 432, \*Sub SB 441, CH. 302 EX. PV.
- Felons, arrests, charge reduction, plea bargaining, prohibited, SB 765.
- Grand juries, summons provisions, SB 239, \*HB 175, CH. 67 EX.
- Incendary devices, explosives, use, resulting deaths, first degree murder, provision, SB 432, \*Sub SB 441, CH. 302 EX. PV.
  - Possession, manufacture, use, crime, SB 432, \*Sub SB 441, CH. 302 EX. PV.
- Indians, state jurisdiction, retrocession provisions, SB 695.
- Indigents, certain cases, court counsel, state payment provisions, Sub HB 176.
- Judgments, prior, information, criminal case defendants, social and health services, provision, \*SB 108, CH. 295 EX. PV.
- Junkyards, adjacent to highways, screening requirements, failure to comply, penalties, \*SB 735, CH. 101 EX.
- Juries, 6 or 12 persons, request provisions, SB 127, SB 246.
- Juveniles, certain proceedings involving minors, other courts, public excluded, SB 224.
  - Felony crimes, photographing, fingerprinting, authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.
- Legal proceedings, deaf, non-English speaking individuals, interpreter provisions, SB 470, Sub SB 470.
- Litigation, commenced, statute enactment, affect presumption, HB 657(a).
  - Pending, statute enactment, affect presumption, HB 657.
- Littering, violations, control act provisions, penalties, \*SB 428, CH. 307 EX. PV.
- Metal, certain, purchases, permanent record, requirement, penalties, \*Sub SB 441, CH. 302 EX. PV.
- Motor vehicle operators, intoxicated, criminal offense, SB 281.
  - Previous record, availability, criminal prosecutions, SB 633.
  - Under influence drugs, liquor, jail sentence, fine, suspension provisions, \*Sub HB 321, CH. 284 EX. PV.
- Pistols, convicted individuals, ownership, possession, prohibited, SB 430, \*Sub SB 441, CH. 302 EX. PV.
- Privately owned animals, hunting, misdemeanor, SB 459.
- Probation, felons, not considered sentence, \*SB 108, CH. 295 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

CRIMES AND CRIMINAL PROCEDURES—Continued:

- Probation hearings, presentence investigation, report, not required, SB 387.
- Property, leased, rented, failure to return, crime, \*HB 234, CH. 61.
  - Personal, subject to security, rental agreements, sale, removal, crime, \*HB 234, CH. 61.
  - Willful destruction, over \$75.00 damage, felony, \*HB 697, CH. 152 EX.
- Schools, colleges, universities, operations, studies, interference, violence, unlawful, \*HB 15, CH. 45.
- Sentences, consecutive, one or more offenses, separate acts, court option provisions, \*SB 108, CH. 295 EX. PV.
  - Other than felonies, revised, \*SB 108, CH. 295 EX. PV.
  - Criminal, rules, certain, revised, \*SB 108, CH. 295 EX. PV.
  - Imprisonment, imposition, excessive basis, appeal provision, SB 904.
  - Suspended, civil rights restoration provision, \*HB 311, CH. 188 EX.
  - Termination date, establishment provision, \*HB 311, CH. 188 EX.
- Snowmobiles, all-terrain vehicles, operation, regulation violations, property damage, penalties, \*SB 156, CH. 29 EX.
- Tapes, records, manufacturer's name, address, identification required, violations, penalties, \*SB 658, CH. 113 EX.
- Tires, motor vehicles, standards, violations, penalties, \*HB 298, CH. 77.
- Tool boxes, forest protection, unauthorized entry, penalty, SB 341(a), \*HB 303, CH. 134 EX.
- Traffic, motor vehicle operators, habitual offenders, penalties, procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.
- Wage claim fees, employer liability provisions, SB 611.
- Warrants, search, justice courts issuance authorized, SB 438.
- Welfare frauds, certain cases, attorney general prosecution, authorized, HB 682.

CRIMINAL IDENTIFICATION DIVISION:

- Social and health services department, created, SB 434.
- State patrol, created, Sub SB 434.

CYPRESS ISLAND:

- Educational reserve, established, SB 193.

DAHLSTEDT, NORMAN H.:

- Trustee board member, Skagit Valley community college, appointment, confirmation, \*\*GA 62 . . . . . pp. 1020, 1085, 1303

DAIRIES AND DAIRY PRODUCTS:

- Consumer services, agriculture department, renamed, HB 1116, SB 495.

DAIRY PRINCESS, WASHINGTON STATE:

- Mary Andersen, Yelm, introduced . . . . . p. 297

DAMAGES:

- Decedent's pain, injury claim basis, recovery, SB 62.

DAMS:

- Lower Granite, construction, supplemental federal appropriation, petitioned, SJM 9.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**DANCE HALLS:**

Liquor license, class X established, set-up service permitted, SB 555.

**DANCE INSTRUCTION SCHOOLS:**

Membership contracts, cancellation provisions, SB 482.

**DATA BANKS:**

Land use, design expansion, natural resources department, provision, \*SB 314, CH. 234 EX.

Information bank, state-wide, development, duties, \*HB 865, CH. 287 EX. PV.

**DAY CARE CENTERS:**

Child care centers, ADC families, class AA, A counties, authorized, SB 152.

**DAY, SENATOR WILLIAM S.:**

Explanation of vote, SB 441 . . . . . p. 902

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**DEAF:**

Hearing aid dealers, consultants, licenses, sales, regulation, SB 586.

Legal proceedings, interpreter provisions, SB 470, Sub SB 470.

Schools, residential, students, financial responsibility provisions, SB 647, SB 866.

**DEBT ADJUSTERS:**

General amendments, SB 72.

**DEBTS:**

Cities, towns, open space, recreation facilities, development, indebtedness increase authorized, \*SB 177, CH. 38.

Deceased persons, collection by affidavit, SB 38.

Judgment debtors, court appearance, interrogatories, creditor remedies, provisions, \*HB 686, CH. 211 EX.

State, contracting, permitted, \*HJR 52.

Incurrence, state finance committee control provisions, SB 642, \*HB 803, CH. 184 EX.

Newspaper notice, one time publication provision, HJR 27(a).

Publication provision repealed, HJR 27.

**DEDERER, MICHAEL:**

Member, board of regents, Washington State University, appointment,

confirmation, \*\*GA 79 . . . . . pp. 1022, 1319, 1614

**DEEDS:**

Trust, foreclosure, sale, redemption period extended, SB 70.

Statute revision, HB 408.

**DEER:**

Emergency periods, protection from dogs, provisions, \*HB 773, CH. 183 EX.

Hunting, either sex season, county commissioner approval provision, \*HB 773, CH. 183 EX.

Female, three-year prohibition, SB 26, SB 287.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## de LaCHAPPELLE, CHARLES:

Yakima community college, trustee board member, appointment,  
confirmation, \*\*GA 48 . . . . . pp. 104, 901, 1301

## DENTAL HYGIENE:

EWSC, degree, granting authorized, \*SB 35, CH. 28 EX.  
Hygienists, certain duties, expansion provision, \*SB 231, CH. 235 EX.

## DENTISTS AND DENTISTRY:

Assistants, duties, certain, authorized, \*SB 233, CH. 236 EX.  
Corporations, professional, health care contractors, employment provisions, SB 590.  
Dental disciplinary board, created, HB 310.  
Drugs, dangerous, possession, health professions, duty purposes only, HB 11.  
Duties, certain, delegation, authorized, \*SB 233, CH. 236 EX.  
Incompetency, misconduct charges, fellow professionals, immunity from suit, \*HB 351,  
CH. 144 EX.  
Malpractice actions, statute of limitations, provisions, \*HB 720, CH. 80.

## DETERGENTS:

Phosphorus, content, labeling regulation, SB 356.

## DIRECTORIES:

Industry, site locations, development director, SB 293.

## DISCRIMINATION:

Age, inability to obtain employment, public assistance eligibility, denial not permitted,  
SB 455.  
Apprenticeships, prohibited, SB 300.  
Automobile insurance, cancellation, sex, marital basis, prohibited, \*HB 140, CH. 174  
EX.  
Chiropractors, health care services, state contracts, discrimination, prohibited, SB 715.  
Civil rights, general revisions, SB 507, \*SB 203, CH. 52 EX.  
Clubs, fraternal organizations, exclusionary, class H license, issuance prohibited, SB 461.  
Hospital construction contracts, discriminatory practice prevention, reviews, Sub HB  
946.  
Human rights commission, created, discrimination duties transferred, SB 507, \*SB 203,  
CH. 52 EX.  
Optometrists, health care services, company officials, physicians, penalties, SB 616.  
State, municipal contracts, discrimination prohibited, SB 617.  
Public works, contracts, nondiscrimination clauses, required, Sub HB 541, SB 398.  
School, equal educational opportunity denial, prohibited, SB 501.  
Schools, title only, SB 501.  
Sex, discriminatory practices, prohibited, SB 7, \*2nd Sub HB 594, CH. 81 EX.  
State retirement system, sex distinction, members, beneficiaries, tables, eliminated, SB  
500.

## DISEASE:

Pets, communicable, protection, control, provisions, \*SB 228, CH. 72.  
Tuberculosis, respiratory disease hospitals, two districts, establishment authorized, \*HB  
313, CH. 277 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## DISPLAYS:

Property, personal, tangible, displayed six months, taxes imposed, SB 920.

## DISTRICT COURTS:

Justice courts, names, alternate referrals, \*SB 244, CH. 73.

## DISTRICTS: (see also type of Districts)

Cemetery, establishment, all counties, provision, \*SB 8, CH. 19.

County road, single district provisions, SB 781.

Fire, commissioners, certain districts, membership increased, Sub HB 340, \*SB 176, CH. 242 EX.

Commissioners, insurance, payment provisions, Sub HB 340, \*SB 176, CH. 242 EX.  
Fire protection, commissioners, meeting absenteeism, removal provisions, \*HB 766, CH. 153 EX.

Excess tax levies, any purpose, special election, provisions, SB 493.

Over permissible limits, provisions, \*SB 269, CH. 105 EX.

Firemen, residence outside service area, discharge restrictions, HB 516(a), \*SB 710, CH. 256 EX.

Merged, commissioners, number reduced, SB 102, \*HB 134, CH. 55.

Hospital, taxing limits increased, revenue bonds issuance authorized, \*HB 1046, CH. 218 EX.

Irrigation, employees, collective bargaining, SB 162.

Real property sale, adjacent owners notice, purchase preference, \*HB 337, CH. 125 EX.

Treasurer, appointment, salary, provisions, SB 77.

Port, inactive, dissolution, method, provisions, \*Sub HB 47, CH. 162 EX.

Public utility, double amendment, previous session, corrected, \*HB 98, CH. 12.

Services, bills, each utility, separate amount, indicated, HB 753.

Sewer systems, service, acquisition, construction, SB 674.

Water systems, sale, without voter approval, provisions, HB 708.

Roads, taxes, levied, not collected, code city distribution, provision, SB 678, \*Sub SB 678, CH. 251 EX.

School, numbering system, state education board, responsibility, \*HB 109, CH. 54.

Sewer, boundaries, one or more counties, provisions, SB 542, \*Sub SB 542, CH. 272 EX.

Water, county-wide districts, provisions, SB 675.

Formation, consolidation, mergers, approval requirement, SB 99, \*Sub HB 142, CH. 139 EX.

Life insurance, employees, commissioners, authorized, SB 526.

Water service, outside existing boundaries, notice intention, filing required, SB 100, \*HB 133, CH. 127 EX.

Solid waste collection, counties, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.

Special purpose, all, open public meetings, provisions, \*SB 485, CH. 250 EX.

Public records, open, inspection purposes, SB 477.

Taxing, double amendment, previous session, corrected, \*HB 96, CH. 10.

Television reception improvement, authorized, financing provisions, \*Sub HB 1041, CH. 155 EX.

Tuberculosis, two, hospitals, establishment authorized, \*HB 313, CH. 277 EX. PV.

Water, sewer, jurisdiction, city assumption, rules established, SB 85, \*Sub SB 85, CH. 95 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## DISTRICTS—Continued:

- Service, outside existing boundaries, notice of intention, filing requirements, SB 100, \*HB 133, CH. 127 EX.
- State lands, assessment authorized, \*SB 314, CH. 234 EX.

## DIVISIONS:

- Banking, duties transferred, financed business regulation department, SB 711.
- Criminal identification, social and health services department, created, SB 434.
- State patrol, created, Sub SB 434.
- Organization and school plant facilities, superintendent of public instruction office, created, \*Sub SB 109, CH. 238 EX.
- Securities, real estate, professional licensing, duties transferred, finance and business regulation department, SB 711.

## DIVORCE:

- Attorney fees, case preparation expenses, provisions, SB 237.
- Children, support, education, over age 18, not required, SB 905.
- Support paying spouse, visitation rights, denial prohibited, SB 869.
- Visitation rights, parent, other persons, provisions, SB 489.
- Decree, modification complaint, superior court scrutiny, SB 870.
- Irreconcilable differences, additional ground, established, SB 565.
- Marriage, divorce, uniform act, title only, SB 827.
- Mothers, child's death, injury, right of action, SB 32.
- Obligor, extradition, return, by state nonresident, debt proof, SB 65, \*SB 514, CH. 46 EX.
- Uniform marriage, divorce act, SB 576.

## DOGS:

- Biting, individuals, invitees on private property, liability, HB 606.
- Certain cities, greyhound racing franchises,
  - INT 38 (not certified) . . . . . p. 484
- Deer, elk, emergency periods, protection from dogs, provisions, \*HB 773, CH. 183 EX.
- Greyhound, racing, provisions, SB 370.
- Guide, blind, use, road crossings, traffic right of way, SB 632, \*HB 357, CH. 77 EX.
- Licensing dog racing, parimutuel betting,
  - INT 39 (not certified) . . . . . p. 485
- Theft, dog, cat, crime, SB 332.

## DOMESTIC RELATIONS:

- Children, custody, marriage dissolution, award, best provider basis, SB 175.
- Support, debt, public assistance lien permitted, \*Sub HB 257, CH. 164 EX.
  - Education, divorce cases, over age 18, not required, SB 905.
  - Visitation, divorced spouse, support paying, denial prohibited, SB 869.
  - Rights, divorced parent, other persons, provisions, SB 489.
- Divorce, attorney fees, case preparation expenses, provisions, SB 237.
- Irreconcilable differences, additional ground, established, SB 565.
- Family court, proceedings, spouses, outside specialist aid, expense provisions, SB 527, \*HB 694, CH. 151 EX.
- Marriage, divorce, uniform act, SB 576.
  - Title only, SB 827.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## DOMESTIC RELATIONS—Continued:

- Obligor, extradition, return, by state nonresident, debt proof, SB 65, \*SB 514, CH. 46 EX.
- Stepchildren, family support provisions, excluded, SB 652.
- Women, maiden names, use subsequent to marriage, provision, SB 503.

## DONOHUE, SENATOR HUBERT F.:

- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

## DORE, SENATOR FRED H.:

- Personal privilege, welfare hearings, pp. 411, 412; SSB 151, p. 608, taxes paid under protest, p. 1035.
- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

## DORMITORIES:

- Community colleges, approval, establishment, college board authority, SB 133.

## DOUGLAS COUNTY:

- Justice court judges, number, reduced to one, \*HB 620, CH. 147 EX.

## DRILLING:

- Oil, gas, hydrocarbon substances, beneath surface waters, permits, issuance, provision, requirements, \*Sub HB 655, CH. 180 EX.
- Puget Sound, prohibited, SB 22.
- Puget Sound, oil, gas, hydrocarbon substances, prohibited, SB 22.
- Surface waters, oil, gas, hydrocarbon substances, permits, issuance, provisions, regulations, \*Sub HB 655, CH. 180 EX.

## DRUGS: (see also Narcotics)

- Abuse, control, treatment, title only bill, SB 5.
- Agents, special law enforcement, extraterritorial jurisdiction, \*Sub SB 441, CH. 302 EX. PV.
- Conspiracy, drug sales, defined, HB 513, SB 381.
- Contraceptives, prohibition removed, \*HB 853, CH. 185 EX.
- Control unit committee, additional member added, SB 321.
- Controlled substances, uniform act, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.
- Dangerous, possession, health professions, duty purposes only, HB 11.
- Title only, SB 623.
- Education, rehabilitation program, established, Sub HB 219, \*SB 273, CH. 304 EX. PV.
- Juveniles, offenses, photographing, fingerprinting authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.
- Minors, drug, alcoholic abuse care without parental consent authorized, \*SB 273, CH. 304 EX. PV.
- Motor vehicle accident fatalities, drivers, pedestrians, blood samples required, \*SB 467, CH. 270 EX.
- Operators, under influence drugs, liquor, jail sentence, fine, suspension provisions, \*Sub HB 321, CH. 284 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## DRUGS—Continued:

- Prescription, medicine name, dosage, labeling provision, \*SB 454, CH. 99 EX.
- Sales tax exempt, income tax imposed, tax reform act, SB 924.
- Security cap, safety standards, compliance provision, \*SB 454, CH. 99 EX.
- Prescriptions, generic, brand name use, required, SB 271.
- Sales, illegal, conviction, suspension, deferrals, prohibited, \*SB 108, CH. 295 EX. PV.
- Other transactions, second offense, penalties, HB 513, SB 381.
- Private conversations, transmitting, recording, provisions, HB 513, SB 381.
- Transportation, unlawful, conveyance forfeiture, SB 20, \*2nd Sub SB 146, CH. 308 EX. PV.
- Treatment, voluntary submission, confidentiality, SB 807.
- Treatment centers, drug, alcohol, formation, funding, Sub HB 219, \*SB 273, CH. 304 EX. PV.
- Formation, funding, SB 211.
- Venereal disease, contraceptives, treatment, medicine, advertising, prohibition removed, SB 505, \*HB 853, CH. 185 EX.

## DURKAN, SENATOR MARTIN J.:

- Explanation, failure to vote, ESHB 740 . . . . . p. 1578
- Explanation, failure to vote, SB 522 . . . . . p. 2007
- Personal privileges, SSB 151, p. 609; EHB 144, p. 1381; SB 691, pp. 1539, 1564; ESHB 151, p. 1748; fiscal impact bills to Ways and Means, p. 136.
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## EARLEY, ROBERT:

- Horse racing commission, member, appointment, GA 59 . . . . . p. 187

## EASEMENTS:

- Nonmotorized recreation, access, use, grant provision, SB 561.

## EASTERN WASHINGTON STATE COLLEGE: (see also Colleges and Universities)

- Degrees, nursing, dental hygiene, authorized, \*SB 35, CH. 28 EX.
- Robinson, Ronald E., trustee board member, appointment, confirmation, \*\*GA 58 . . . . . pp. 186, 1544, 1911
- Shore, Morris G., trustee board member, appointment, confirmation, \*\*GA 27 . . . . . pp. 100, 1544, 1781

## ECOLOGY: (see also Environment)

- Air, water, violations, penalties increased, SB 348.
- Biggs, John A., department director, appointment, confirmation, \*\*GA 4 . . . . . pp. 97, 1071, 1465
- Department, air, pollution episodes, avoidance plan, development, provisions, SB 481, \*HB 992, CH. 194 EX.
- Air pollution control, plans, procedures, emergency actions, provisions, SB 481, \*HB 992, CH. 194 EX.
- Double amendment, previous session, corrected, \*HB 97, CH. 11.
- Fire permits, certain purposes, issuance provisions, \*Sub HB 772, CH. 232 EX.
- Land use commission, created, SB 830.
- Litter control, research, development, implementation, \*SB 428, CH. 307 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## ECOLOGICAL—Continued:

- Litter control act, administration, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Oil and gas conservation committee abolished, duties transferred to department, SB 483.
- Membership provision, SB 483, \*Sub HB 655, CH. 180 EX.
- Oil discharges, state waters, prevention control, provisions, SB 483, \*Sub HB 655, CH. 180 EX.
- Water, air resources program, integration, HB 480.
- Pollution control facilities, construction, appropriation, \*HB 832, CH. 20 EX.
- Resources development management plan, \*HB 394, CH. 225 EX.
- Director, outdoor interagency recreation committee member, SB 334, \*HB 228, CH. 60.
- Environmental policy, state act, established, \*SB 545, CH. 109 EX.
- Protection boards created, powers, duties, SB 783.
- State act, established, SB 560.
- Fuel, systems, automotive, alternative, program support petitioned, HJM 9.
- Highways, construction, environmental impact reports, \*HB 273, CH. 24 EX.
- Industrial waste discharges, reporting, disclosure provisions, \*Sub HB 595, CH. 160 EX.
- Monitoring fees, required, SB 358.
- Litter, control act, \*SB 428, CH. 307 EX. PV.
- Department administration, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Motor vehicles, exhaust emission, air contaminants, controls, standards, HB 605(a).
- Smoke, odor control, provisions, HB 605.
- Oil tankers, pilot, navigation requirements, pollution control, violations reporting provisions, SB 557.
- Patrols, litter control, established, duties, INT 40, SB 297, SB 876.
- Public lands, ecological study purposes, school use, areas reserved, SB 405.
- School curricula, related courses, superintendent of public instruction study, \*SCR 12.
- Sewerage systems, local governmental, waste disposal, permits required, HB 903.
- Shoreline management act, SB 584, \*Sub HB 584, CH. 286 EX. PV.

## ECONOMIC OPPORTUNITY ACT:

- Programs, state, local participation, provisions, \*HB 430, CH. 177 EX.

## EDGECLIFF HOSPITAL—SPOKANE:

- Facilities, use, tuberculosis and respiratory disease hospital district, operation, provisions, \*HB 313, CH. 277 EX. PV.

## EDMONDS COMMUNITY COLLEGE: (see also Everett Junior College)

- Muncaster, Theodore H., trustee board member, appointment, confirmation, \*\*GA 34 . . . . . pp. 101, 899, 1782

## EDUCATION:

- Agencies, public fund expenditures, reductions, legislative budget committee, authority, \*SB 559, CH. 263 EX.
- Board, financial assistance program, disadvantaged elementary, secondary students, SB 264.
- Members election, director district vote, weighting basis revised, SB 160, \*HB 491, CH. 285 EX. PV.
- State, election provisions revised, SB 13.
- Code, double amendments, previous session, corrected, \*HB 94, CH. 8.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## EDUCATION—Continued:

- Colleges, universities, faculty average weekly classroom contact, minimum hours established, \*Sub HB 151, CH. 275 EX. PV.
- Community colleges, comprehensive unified fund distribution, program costs, study, \*SCR 3.
- Students, pursuing high school diploma, free tuition, SB 815, SB 829.
- Community school concept, alternative school programs, report, recommendations, SCR 16, \*HCR 19.
- Courses, noncompulsory, public schools, parental objection provisions, SB 25.
- Cypress island educational reserve, established, SB 193.
- Drug, alcohol, education, rehabilitation program, established, Sub HB 219, \*SB 273, CH. 304 EX. PV.
- Ecology, school curricula, related courses, materials, superintendent of public instruction, study, \*SCR 12.
- Educational service corporations, demonstration schools, school district contracts, authorized, SB 464(a), SB 911.
- Employees, schools, community colleges, negotiations procedures, arbitration, mediation provisions, HB 1094, SB 43, SB 464.
- Enrollment, estimates, state fund apportionment purposes, certification purposes, SB 158(a), SB 159.
- Handicapped children, special aid program, SB 66, \*HB 90, CH. 66 EX.
- High school diploma, equivalency certificate, provision, \*HB 10, CH. 43.
- Higher, administrative procedures act, established, \*SB 469, CH. 57 EX.
- Faculty, academic tenure, problems, issues, council study, HCR 14.
- Private, students, undergraduate, resident, tuition supplementation, \*SB 419, CH. 56 EX.
- Title only, SB 595, SB 637.
- Implementing law, title only, SB 679.
- Instructional materials, common schools, parental review, SB 24.
- Joint committee, intermediate school districts, funding, alternate systems, study, \*HB 86, CH. 282 EX. PV.
- Mediation, conciliation, fact-finding service, superintendent of public instruction office, established, HB 1094(a), SB 464(a).
- Non-high school districts, high school district services, payments, HB 479.
- Occupational, coordinating council, vocational education duties, HB 634.
- Post high school, financial support systems, study, \*HCR 7.
- Private institutions, higher education program, contracting, state plan, HB 441.
- Parochial schools, minimum state controls, standards, provisions, \*HB 335, CH. 215 EX.
- Professional practice commission, established, HB 1094 (a).
- Programs, urban, racial, disadvantaged, programmed budget request, required, HB 344.
- Purchasing, joint agency, private schools, authorized, \*SB 266, CH. 26.
- Rescheduled, extended school year, provision, HB 497, SB 540.
- Research services, school districts, contracts, private individuals, agencies, authorized, \*SB 168, CH. 93 EX.
- School, principals, supervisory personnel, negotiations, representation, employee organization membership, optional, SB 653.
- Schools, colleges, universities, operations, studies, interference, violence, unlawful, \*HB 15, CH. 45.
- Community, extended, weekend use, funding methods, study, SCR 16, \*HCR 19.
- Plant, facilities, additional use, study, SCR 16(a).

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## EDUCATION—Continued:

- Private, teacher transfers, retirement system service credit provision, SB 268.
- School code, common school, manual publication, sale provisions, \*SB 531, CH. 100 EX.
- School day redefined, SB 788, \*HB 863, CH. 161 EX.
- School districts,
  - excess levies, elections, provisions, SB 476.
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  - Numbering system, state education board, responsibility, \*HB 109, CH. 54.
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  - Weighted enrollment, reimbursement program, state funds, annual percentage amount, increased, SB 724.
- School year, obsolete apportionment provision, repealed, \*HB 16, CH. 46.
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  - Part time, ancillary services, financial aid provisions, SB 265.
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- Teachers, contract renewals, legislative session year, notice provision, SB 286.
  - Private, public school transfers, seniority rights, SB 267.
- Teaching methods, certificated personnel, feasibility study, SB 404.
  - College faculty, periodical classroom experience, SB 404.
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- Traffic safety education account, motor vehicle violations, penalties, distribution provision, \*HB 645, CH. 26 EX.
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- Vocational, advisory council, executive director, appointment provisions, HB 604.
  - Commonly used terms, uniform definitions, HB 490, SB 530, \*HB 491, CH. 285 EX. PV.
- Vocational education act, title only, SB 534.
  - Needs, services, funding, comprehensive study, \*SCR 23.
  - Programs, implementation, rules, regulation, state board adoption, SB 539.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

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- Condemnees, certain real property cases, attorney, expert witness fees, authorized, SB 770, \*Sub SB 770, CH. 240 EX.
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- Associations, cities, towns, state-wide city employees' retirement system, membership authorized, SB 756.
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- Colleges, universities, health care insurance, premium payments, required coverage, SB 329.
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- Salary increases, same job classification, not permitted, \*Sub HB 151, CH. 275 EX. PV.
- Community colleges, obsolete negotiations provisions repealed, HB 13.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## EMPLOYEES—Continued:

- Employer records, inspection, industrial compensation purposes, availability, \*SB 619, CH. 255 EX.
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  - General revisions, HB 149, SB 67.
- Public, retirement system, funds payments, accounts, appropriations, \*Sub HB 151, CH. 275 EX. PV.
- School, certificated, public school transfers, seniority rights, SB 267.
- School district, annual leave, emergency purposes, provisions, \*HB 346, CH. 203 EX.
  - Health, protection, provisions, school payments, amount increase, SB 464(a).
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  - Colleges, health care, protection insurance, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.
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  - Teachers, contract renewals, legislative session year, notice provision, SB 286.
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  - Checks, cashing, state treasurer authorized, \*HB 130, CH. 5.
  - Civil service, hearing officers, SB 541.
  - Claims against, exclusive of claims against employee, SB 757.
  - Four day, ten hour day work week, study, SCR 25.
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    - Various health practitioners, use, provisions, HB 816(a).
- State, political party office, precinct committeemen permitted, SB 345.
  - Position vacancies, eligibility lists, name referrals, provisions revised, SB 523.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## EMPLOYEES—Continued:

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- Over \$15,000, yearly merit increases, prohibited, \*Sub HB 151, CH. 275 EX. PV.
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- State-wide city retirement system, public system consolidation, SB 190, \*HB 158, CH. 75.
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- Wage claim fees, employers liability provisions, SB 611.
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- Corporations, nonprofit, unemployment compensation, coverage extended, SB 120, \*HB 199, CH. 3.
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- Records, inspection, industrial compensation purposes, availability, \*SB 619, CH. 255 EX.
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## EMPLOYMENT:

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- Agricultural labor relations act, enactment, HB 550.
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- Education, high school diploma, equivalency certificate, provision, \*HB 10, CH. 43.
- Employment supplement program, additional funds, petitioned, \*SJM 19.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



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  - Works, residency requirements, removed, SB 640.
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  - Position vacancies, eligibility lists, name referrals, provisions revised, SB 523.
- Unemployment compensation, benefits, during 6% unemployment rate periods, extension provision, SB 885.
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  - Preference, layoffs, reemployment, seniority, credit computation, SB 566.
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- Litter control, act, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Thermal power plants, operation, environmental impact study, SB 665.

**ENVIRONMENT: (see also Ecology, also Pollution)**

- Cispus Job Corps Center, U.S. present to state, petitioned, HJM 7.
- Environmental policy, state act, established, \*SB 545, CH. 109 EX.
  - Protection boards, created, powers, duties, SB 783.
    - State act, established, SB 560.
- Fish, wildlife, dangerous, deleterious to environment, native fish, wildlife, possession, sale, prohibited, \*HB 106, CH. 166 EX.
  - Fuel, systems, automotive, alternative, program support petitioned, HJM 9.
  - Highways, construction, impact reports, provisions, \*HB 273, CH. 24 EX.
    - Location, design, public hearings, required, HB 769, SB 722.
  - Noise pollution, standards, title only bill, SB 3.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Use, malicious placement, penalty, minimum established, SB 432, \*Sub SB 441, CH. 302 EX. PV.

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- Health care services, optometrist discrimination, company officials, physicians, penalties, SB 616.
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- State, municipal contracts, optometrists, discrimination prohibited, SB 617.
- Motorcycle operators, riders, glasses, helmets, wearing requirements, \*HB 672, CH. 150 EX.

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- Agricultural, amusement games, certain, authorized, SB 878.
- Exposition 1974, Spokane, state participation, commission created, \*SB 737, CH. 1 EX.

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- Game, licensing provisions, SB 817.
- Trucks, crop harvest, handling, non-highway use, motor vehicle fuel, tax refunds, SB 853.
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**FASHION MODELING INSTRUCTION SCHOOLS:**

- Membership contracts, cancellation provisions, SB 482.

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- Appeals court, U.S., Seattle based, creation petitioned, SJM 7.
- Automotive, fuel systems, alternative, program support petitioned, HJM 9.
- Cispus job corps center, U.S. present to state, petitioned, HJM 7.
- Constitutional convention, petitioned, HJM 1.
- Economic opportunity act, programs, local, state participation, provisions, \*HB 430, CH. 177 EX.
- Employment supplement program, additional funds, petitioned, \*SJM 19.
- Environmental protection, state act, established, SB 560.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## FEDERAL GOVERNMENT—Continued:

- Fish, anadromous, high seas control, conservation, foreign agreements, petitioned, SJM 14.
- Fisheries, off shore, negotiations, agreements, foreign, revaluation petitioned, HJM 16.
- Food, drug and cosmetic act, regulations, state adoption, HB 1116(a), SB 524.
- Fort Lawton, Seattle acquisition, city park purposes, petitioned, HJM 14.
- Governmental cooperation, joint committee, federal aid programs study, created, SB 922.
- Health care, all citizens, federally underwritten, petitioned, Sub SJM 12.
- Highways, relocation, construction, improvements, public utilities facilities, relocation, cost payment provision, SB 718, \*SB 486, CH. 262 EX.
- Income tax revenue, state sharing petitioned, HJM 1.
- Indian land, state zoning powers relinquished, SB 774.
- Indians, fishing, treaty rights exercise, arrest immunity, SB 721.
- State, criminal, civil jurisdiction, retrocession provisions, SB 685.
- Legislators, written financial statement, filing required, SB 550.
- Lower Granite dam, construction, supplemental federal appropriation, petitioned, SJM 9.
- Mental health, county funds, state transfer, federal matching purposes, \*HB 707, CH. 84 EX.
- Mortgage corporations, securities, bank, trust company investment, authorized, HB 274.
- Natural gas companies, mergers, pre-1960, anti-trust laws exemption, petitioned, \*SJM 17.
- Outdoor advertising, along interstate highways, controls established, incentive claim payment petitioned, \*SJM 15.
- Pensions, federal remuneration, unemployment compensation purposes, excluded, SB 864.
- Rail system, basic, pacific northwest inclusion, petitioned, HJM 8, SJM 3.
- Scientists, engineers, employment, special public corporation, petitioned, HJM 21.
- SST program, decision to halt, congressional reconsideration petitioned, HJM 22.
- State, local governments, aid programs, availability, use, study, \*SCR 28.
- Surplus funds, certain federal corporations, investment provisions, \*HB 29, CH. 16.
- Television, radio, major party candidates only, equal time, petitioned, HJM 6.
- Trucks, operators, interstate, national licensing regulations, abandonment petitioned, \*SJM 16.
- Unemployment compensation, federal conformity, coverage extended, SB 120, \*HB 199, CH. 3.
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- Voting age, 18, U.S. constitutional amendment, ratification, \*HJM 15, \*SJR 36.
- Welfare programs, greater financial assistance requested, \*SJM 5.

## FEES:

- Attorney general, special assistants, fee arrangements, written record, SB 377.
- Attorneys, air space condemnation proceedings, condemnee award provisions, \*SB 363, CH. 39 EX.
- Certain civil cases, increase, SB 250.
- Damage actions, less than \$1000, allowance, SB 92.
- Divorce case preparation expenses, provisions, SB 237.
- Justice court actions, reasonable, provisions, SB 631.
- Personal injury actions, provisions, SB 666.
- Public assistance medical aid lien, proportionate share, SB 114.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Real property condemnation, condemnees, payment authorized, SB 770, \*Sub SB 770, CH. 240 EX.
- Corporate filings, searches, certain, increased, \*HB 254, CH. 133 EX.
- Electric safe wiring inspection, labels, fee schedule revised, administrative cost basis, SB 597.
- Fees increased, SB 355, \*Sub HB 562, CH. 129 EX.
- Labor and industries, mediation services, fee schedule provisions, SB 694.
- Lobbyists, registration, regulation, general revisions, Sub HB 457.
- Pharmacy board, increased, \*HB 411, CH. 201 EX.
- Real estate, excise tax, exemption affidavits, filing fee, HB 252.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



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 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
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\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Landowner contingency forest fire suppression account, created, \*HB 1034, CH. 207 EX.
- Legal services revolving, created, \*SB 648, CH. 71 EX.
- Life and disability insurance guaranty, association created, \*SB 17, CH. 259 EX.
- Litter control account, established, \*SB 428, CH. 307 EX. PV.
- Local public works planning revolving, planning and community affairs agency, HB 680.
- Mental health, county funds, state transfer, federal matching purposes, \*HB 707, CH. 84 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## FUNDS—Continued:

- Mortgage insurance, appropriation, SB 33.
- Motor vehicle, allocation, state patrol highway account, abolished, \*SB 124, CH. 91 EX.
- Cross-sound ferries, operation, maintenance, availability inquiry, \*HB 659, CH. 149 EX.
- Truck overload fines, allocation, annual distribution, provisions, \*HB 30, CH. 17.
- Weed district assessments, highway rights-of-way, payment provision, \*SB 883, CH. 119 EX.
- Municipal, special purpose, license fee revenue, allocation, obligation, provisions, \*HB 622, CH. 223 EX.
- Orphan schools, state fund apportionment, obsolete provision repealed, \*HB 17, CH. 47.
- Outdoor recreation, all-terrain vehicle related expenses, use, \*Sub SB 372, CH. 47 EX.
- Outdoor recreational bond redemption, deposit date, established, \*SB 150, CH. 37.
- Parolee and probationer revolving fund, \*SB 196, CH. 31 EX.
- Public assistance, special programs, services improvement, experimentation, non-appropriated funds use, provisions, \*Sub HB 915, CH. 309 EX.
- Public assistance division, emergency, current biennium, appropriation, SB 919.
- Public employees' system, certain limited partnership, investment authorized, SB 898.
- Public, investment, finance department, administration, HB 1022(a).
- PUD's, generating facilities, reservoir, privilege tax fund, school district allocation, provision, SB 886.
- Puget Sound ferry operations account, created, SB 915, \*Sub SB 915 VETOED.
- Regional development fund, created, SB 700, Sub SB 700.
- Road millage, county, use, other purposes, permitted, \*HB 248, CH. 25 EX.
- Salary, class AA, A counties, amount authorized, increased, \*HB 438, CH. 214 EX.
- Smaller than first class counties, establishment provision, \*HB 438, CH. 214 EX.
- School building bond redemption fund, cigarette tax distribution provisions, \*SB 262, CH. 70 EX.
- School district, interfund loans, investments, transfer, rules, SB 132.
- School districts, state monthly apportionment schedule, revised, SB 158.
- Secretary of state, revolving, created, \*HB 221, CH. 122 EX.
- State, apportionment, title only, SB 359.
- Local improvements, revolving account, supplemental appropriation, Sub HB 777.
- State depository, interest distribution, dates revised, \*SB 626, CH. 72 EX.
- State surplus, certain federal corporations, investment provisions, \*HB 29, CH. 16.
- Student loan reserve, created, SB 840.
- Students, needy, colleges, universities, establishment authorized, \*Sub HB 740, CH. 279 EX. PV.
- Supplemental pension, established, SB 686(a).
- Traffic safety education account, motor vehicle violations, penalty payments, distribution provision, \*HB 645, CH. 26 EX.
- Trust land purchase account, created, \*HB 721, CH. 210 EX.
- Veterans' bonuses, change provisions, SB 263.
- Excess, transfer to general fund, provision, \*Sub SB 897, CH. 299 EX. PV.
- Vocational education, federal, state, comprehensive unified distribution, study, \*SCR 2.
- Warrants, state, registered, redemption, funds, calls, investment, provisions, \*SB 862, CH. 88 EX.

## FUNERALS:

- Coaches, blue light, display, use, provisions repealed, \*SB 136, CH. 92 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## FUNERALS—Continued:

- Contracts, pre-need, regulation, HB 578.
- Services, merchandise, prearrangement contracts, regulation, SB 235.

## FURLOUGHES:

- Felons, rehabilitation purposes, established, SB 283, \*SB 125, CH. 58 EX.

## FURMAN, JAMES:

- Western interstate commission for higher education, member, appointment, confirmation, \*\*GA 13 . . . . . pp. 98, 1085, 1465

## GALBREATH, MRS. ALMA:

- Trustee board member, Big Bend community college, appointment, confirmation, \*\*GA 75 . . . . . pp. 1022, 1084, 1306

## GAMBLING:

- Bingo, defined, SB 607.
- Raffles, amusement games, authorized, SB 200, \*HB 291, CH. 280 EX. PV.
- Communication utilities, use, gambling activities, reporting provisions, SB 794.
- Comprehensive law, SB 200, \*HB 291, CH. 280 EX. PV.
- Horse racing commission, abolished, SB 422.
- Licensing, regulation, SB 119.
- Liquor, licensed premises, gambling activities, communication facilities removal, license suspension mandatory, SB 832.
- Lotteries, legislative, initiative, referendum vote provisions, \*SJR 5.
- Lottery, state operated, \*SJR 5.
- Sweepstakes, state operated, SB 888.

## GAME:

- Animals, protection, proposed legislation, SCR 20.
- Wild, captivity, protection provision, SB 350.
- Commission, per diem allowance, SB 333.
- Committee, fisheries, game, game fish, interim, created, powers, duties, \*SCR 31.
- Deer, elk, emergency periods, protection from dogs, provisions, \*HB 773, CH. 183 EX.
- Farmers, licensing provisions, SB 817.
- Game, game fish, title only, SB 730.
- Game protector, definition revised, wildlife agent, \*HB 171, CH. 121 EX.
- Nondomestic, importation, release regulation, SB 55.
- Protectors, arrest powers, \*HB 113, CH. 173 EX.
- Litterers, arrest powers, \*HB 113, CH. 173 EX.
- Wildlife agent, definition, \*HB 171, CH. 121 EX.

## GARBAGE: (see also Solid Waste)

- Collection companies, fees, utilities and transportation commission, amount increased, \*HB 229, CH. 143 EX.
- Counties, solid waste collection districts, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
- Solid waste, collection districts, counties, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
- Trucks, collection, power take-off unit use, motor vehicle fuel, tax refund, \*HB 353, CH. 36 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



GARBAGE—Continued:

- Rear axle load, limitation exemption, \*SB 209, CH. 244 EX.
- Waste treatment plant operations, licensing, HB 324.

GARDNER, B. T.:

- Bellevue community college, trustee board member, appointment, confirmation, \*\*GA 37 . . . . . pp. 102, 899, 1298

GARDNER, SENATOR BOOTH:

- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating, SFR 18 . . . . . p. 409

GARNISHMENT:

- Exemptions, clerical error, previous session, corrected, \*HB 92, CH. 6.

GARRETT, THOMAS:

- Parks and recreation commission, member, appointment, confirmation, \*\*GA 15 . . . . . pp. 99, 1262, 1779

GAS: (Natural, Manufactured, Liquid Petroleum):

- Drilling, Puget Sound, prohibited, SB 22.
  - Under surface waters, permits, issuance, provision, requirements, \*Sub HB 655, CH. 180 EX.
- Motor vehicles, low pollution fuel, propane, fuel tax exemption, SB 741.
  - Nonpolluting fuels, natural gas, fuel tax exemption, SB 786.
- Natural, companies, mergers, pre-1960, anti-trust laws exemption, petitioned, \*SJM 17.
  - Distribution, B & O, increased, \*Sub SB 897, CH. 299 EX. PV.
  - Puget Sound, drilling prohibited, SB 22, \*Sub HB 584, CH. 286 EX. PV.
- Piping, appliance installation contractors, licensing, regulation, SB 451.
- Propane, motor vehicle fuel tax, exempt, SB 741.
  - 50% reduction, SB 741(a).
  - Other special motor vehicle fuel, tax imposed, \*Sub HB 247, CH. 175 EX.

GASOLINE:

- Tax, one-half cent increase, urban arterial trust account, allocation, SB 734.
  - Urban arterial trust account, insufficiency, allocation provisions, \*HB 759, CH. 291 EX. PV.

GATEWAY AMENDMENT:

- Constitution, Article XXIII revised, HJR 35.

GEMS:

- State, agate, designation, HB 386.

GENERAL ADMINISTRATION DEPARTMENT:

- Administrative board, abolished, duties transferred, HB 492.
- Buildings, state, operating costs, expenses, interagency payment provisions, \*HB 429, CH. 159 EX.
- Installment loan companies, licensing, supervision, regulation provisions, SB 766.
- Motor vehicles, purchasing, propulsion systems, pollution information, HB 544.
- Reorganization, provisions, HB 428.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## GENERATORS:

Electric, steam powered, facilities, taxation, provisions, SB 852.

## GEOGRAPHIC NAMES:

Board, established, SB 338.

## GEROLD, CHARLES:

Sergeant at arms, nominated . . . . . p. 9

## GILLIES, STANLEY C.:

Grays Harbor community college, trustee board member,  
appointment, confirmation, \*\*GA 31 . . . . . pp. 101, 898, 1297

## GISSBERG, SENATOR WILLIAM A.:

Point of order, rule 72 . . . . . p. 1667  
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## GLASS:

Glazing material, safety, use, required, SB 736.

## GLIDERS:

Definition, aircraft, tax purposes, HB 153(a).

## GOOD SAMARITANS:

Emergency care, physician, hospital, liability limitation, SB 227.  
Without fee, liability limitation, SB 227(a).

## GOVERNOR: (see also Evans, Daniel J., also Gubernatorial Appointments)

Administrative board, abolished, duties transferred, HB 492.  
College, university financial plans, submission, provisions, \*SB 208, CH. 40 EX.  
Housing authorities, creation, gubernatorial authority provisions, SB 628.  
Joint session, budget message, \*HCR 3 . . . . . p. 48  
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Population study council, established, SB 324.  
Retirement, public employees' system, membership authorized, \*SB 522, CH. 271 EX.  
State advisory committee members, salaries, subsistence, gubernatorial establishment  
authorized, SB 649.  
Succession, provisions revised, HJR 22.  
Vendor rates committee, powers, duties, expanded, \*SB 408, CH. 298 EX. PV.  
Veto, entire sections, appropriation items, limitations, SJR 14.

## GRAIN:

Trucks, overload, certain cases, unloading not required, \*HB 644, CH. 148 EX.

## GRANT COUNTY:

Justice court judges, number reduced, SB 463.  
To one, \*HB 620, CH. 147 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## GRAVEL:

Public land resources, small sale procedures, revisions, \*HB 237, CH. 123 EX.

## GRAYS HARBOR COMMUNITY COLLEGE:

Gillies, Stanley C., trustee board member, appointment,  
confirmation, \*\*GA 31 . . . . . pp. 101, 898, 1297  
Tibbetts, Oliver, trustee board member, appointment,  
confirmation, \*\*GA 30 . . . . . pp. 101, 898, 1297  
Weinstein, Lawrence, trustee board member, Grays Harbor  
community college, appointment, confirmation,  
\*\*GA 69 . . . . . pp. 1021, 1085, 1305

## GRAYS HARBOR COUNTY:

Justice court judges, number, reduced to two, \*HB 620, CH. 147 EX.

## GREAGER, DR. OSWALD H.:

Thermal power plant site evaluation council, chairman,  
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## GREEN LIGHTS:

Firemen, private cars, display provision, \*SB 136, CH. 92 EX.

## GREEN RIVER COMMUNITY COLLEGE:

Mathews, Hugh L., trustee board member, Green River  
community college, appointment, confirmation,  
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Shaw, Dr. Spencer W., trustee board member, appointment,  
confirmation, \*\*GA 40 . . . . . pp. 102, 899, 1299  
Smith, Helen, trustee board member, appointment,  
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## GREIVE, SENATOR R. R. BOB:

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## GREYHOUNDS:

Racing, provisions, SB 370.

## GROCERIES:

Chains, two or more stores, differing prices, qualities, unfair practice provision, SB 508.

## GUARDIANS:

Age qualification, reduced, \*SB 10, CH. 28.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## GUBERNATORIAL APPOINTMENTS:

- Adams, O. C., Columbia Basin community college, trustee  
board member, confirmation, \*\*GA 52 . . . . . pp. 104, 901, 1302
- Albrecht, Richard, higher education council, member,  
GA 12 . . . . . p. 98
- Anderson, Donald E., Tacoma community college, trustee  
board member, confirmation, \*\*GA 55 . . . . . pp. 105, 901, 1303
- Aram, John L., Clover Park community college, trustee  
board member, GA 42 . . . . . pp. 103, 900
- Baker, Tom, Walla Walla community college, trustee  
board member, confirmation, \*\*GA 65 . . . . . pp. 1020, 1085, 1304
- Bay, Mrs. T. J., Whatcom community college, trustee  
board member, confirmation, \*\*GA 74 . . . . . pp. 1022, 1084, 1306
- Biggs, John A., ecology department, director,  
confirmation, \*\*GA 4 . . . . . pp. 97, 1071, 1465
- Brazier, Donald H., Jr., utilities and transportation  
commission, chairman, confirmation, \*\*GA 56 . . . . . pp. 105, 589, 898
- Bruckart, John R., Jr., Olympic community college, trustee  
board member, confirmation, \*\*GA 32 . . . . . pp. 101, 898, 1298
- Caron, Philip, Central Washington state college,  
trustee board member, confirmation, \*\*GA 26 . . . . . pp. 100, 1544, 1781
- Comfort, Patrick C., Western Washington state college,  
trustee board member, confirmation, \*\*GA 28 . . . . . pp. 100, 1544, 1781
- Dahlstedt, Norman H., Skagit Valley community college,  
trustee board member, confirmation, \*\*GA 62 . . . . . pp. 1020, 1085, 1303
- Dederer, Michael, Washington State University, member,  
board of regents, confirmation, \*\*GA 79 . . . . . pp. 1022, 1319, 1614
- de LaChappelle, Charles, Yakima community college, trustee  
board member, confirmation, \*\*GA 49 . . . . . pp. 104, 901, 1301
- Earley, Robert, Washington state horse racing  
commission, GA 59 . . . . . p. 186
- Ellis, James R., University of Washington, member,  
board of regents, confirmation, \*\*GA 78 . . . . . pp. 1022, 1319, 1615
- Flenbaugh, Dr. Robert L., University of Washington,  
member, board of regents, confirmation, \*\*GA 23 . . . . . pp. 99, 1319, 1781
- Furman, James, western interstate commission for higher  
education, member, confirmation, \*\*GA 13 . . . . . pp. 98, 1085, 1465
- Galbreath, Mrs. Alma, Big Bend community college, trustee  
board member, confirmation, \*\*GA 75 . . . . . pp. 1022, 1084, 1306
- Gardner, B. T., Bellevue community college, trustee  
board member, confirmation, \*\*GA 37 . . . . . pp. 102, 899, 1298
- Garrett, Thomas, parks and recreation commission,  
member, confirmation, \*\*GA 15 . . . . . pp. 98, 1262, 1779
- Gillies, Stanley C., Grays Harbor community college,  
trustee board member, confirmation, \*\*GA 31 . . . . . pp. 101, 898, 1297
- Greager, Dr. Oswald H., thermal power plant site evaluation  
council, chairman, GA 25 . . . . . p. 100
- Hahner, H. H. "Dutch", Washington State University,  
member, board of regents, confirmation, \*\*GA 80 . . . . . pp. 1023, 1319, 1615
- Hale, Reid E., Highline community college, trustee board  
member, confirmation, \*\*GA 39 . . . . . pp. 102, 899, 1299

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## GUBERNATORIAL APPOINTMENTS—Continued:

- Hansey, Donald G., aeronautics commission, member,  
confirmation, \*\*GA 7 . . . . . pp. 97, 159, 224
- Henderson, Melvin D., Centralia community college, trustee  
board member, confirmation, \*\*GA 44 . . . . . pp. 103, 900, 1300
- Hill, Matthew, pollution control hearing board, member,  
confirmation, \*\*GA 18 . . . . . pp. 99, 913, 1614
- Hoag, Dr. Richard M., Skagit valley community college,  
trustee board member, confirmation, \*\*GA 33 . . . . . pp. 101, 898, 1298
- Holifield, George W., personnel board, member,  
confirmation, \*\*GA 1 . . . . . pp. 96, 159, 223
- Howe, Walter C., Jr., program planning and fiscal management  
office, director, confirmation, \*\*GA 22 . . . . . pp. 99, 1444, 1614
- Hughes, John B., Shoreline community college, trustee  
board member, confirmation, \*\*GA 36 . . . . . pp. 102, 899, 1298
- Hunt, Harry T., Peninsula community college district,  
trustee board member, confirmation, \*\*GA 29 . . . . . pp. 100, 898, 1297
- Irwin, Clarence, Clark community college, trustee board  
member, confirmation, \*\*GA 72 . . . . . pp. 1021, 1084, 1306
- James, Leslie W., Walla Walla community college, trustee  
board member, confirmation, \*\*GA 53 . . . . . pp. 105, 901, 1302
- Jaquette, Mrs. Harriet S., Bellevue community college,  
trustee board member, confirmation, \*\*GA 38 . . . . . pp. 102, 899, 1299
- Johnson, F. Bruce, prison terms and paroles board,  
member, confirmation, \*\*GA 19 . . . . . pp. 99, 303, 384
- Kintner, Dr. Robert M., Wenatchee Valley community  
college, trustee board member, confirmation,  
\*\*GA 47 . . . . . pp. 104, 900, 1301
- Koss, Dr. George, aeronautics commission, member,  
GA 8 . . . . . p. 97
- Landon, L. Evert, community college education board,  
member, confirmation, \*\*GA 10 . . . . . pp. 98, 1620, 1779
- Lawton, Richard E., Clark community college, trustee  
board member, confirmation, \*\*GA 46 . . . . . pp. 103, 900, 1301
- Ludeman, Dick D., Big Bend community college, trustee  
board member, confirmation, \*\*GA 51 . . . . . pp. 104, 901, 1302
- Lundberg, Dr. David, Highline community college, trustee  
board member, confirmation, \*\*GA 71 . . . . . pp. 1021, 1084, 1305
- McCurdy, James G., parks and recreation commission,  
member, GA 3 . . . . . pp. 96, 1262
- Mathews, Hugh L., Green River community college, trustee  
board member, confirmation, \*\*GA 64 . . . . . pp. 1020, 1085, 1304
- Mitchell, C. J., Columbia Basin community college, trustee  
board member, confirmation, \*\*GA 63 . . . . . pp. 1020, 1085, 1303
- Morford, Donald K., community college education board,  
member, confirmation, \*\*GA 9 . . . . . pp. 97, 1544, 1779
- Mottley, Mrs. Ruth F., Yakima community college, trustee  
board member, confirmation, \*\*GA 48 . . . . . pp. 104, 900, 1301
- Muncaster, Theodore H., Everett junior college-Edmonds  
community college, trustee board member,  
confirmation, \*\*GA 34 . . . . . pp. 101, 899, 1781

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## GUBERNATORIAL APPOINTMENTS—Continued:

- Nelson, Jack, motor vehicles department, director,  
confirmation, \*\*GA 5 . . . . . pp. 97, 335, 448
- Neupert, Jack G., University of Washington, board of  
regents, member, confirmation, \*\*GA 24 . . . . . pp. 100, 1319, 1781
- Perry, Ernest L., canal commission, member, confirmation,  
\*\*GA 21 . . . . . pp. 99, 1373; 1780
- Peters, Mrs. Marge, Skagit Valley community college,  
trustee board member, confirmation, \*\*GA 70 . . . . . pp. 1021, 1083, 1305
- Peterson, Ross, board prison terms and parole, member,  
confirmation, \*\*GA 83 . . . . . pp. 1285, 1479, 1783
- Powell, George V., University of Washington, member,  
board of regents, confirmation, \*\*GA 77 . . . . . pp. 1022, 1319, 1614
- Putnam, Robert H., personnel board, member, GA 61 . . . . . p. 186
- Reiley, Eldon, Spokane community college, trustee board  
member, GA 2 . . . . . pp. 96, 1318
- Richter, Douglas, Clover Park community college, trustee  
board member, confirmation, \*\*GA 43 . . . . . pp. 103, 900, 1300
- Robinson, Ronald E., Eastern Washington state college,  
trustee board member, confirmation, \*\*GA 58 . . . . . pp. 186, 1544, 1911
- Saunders, Al E., The Evergreen state college, trustee  
board member, confirmation, \*\*GA 76 . . . . . pp. 1022, 1545, 1783
- Shaw, Dr. Spencer W., Green River community college,  
trustee board member, confirmation, \*\*GA 40 . . . . . pp. 102, 899, 1299
- Sheehy, James T., pollution control hearing board,  
member, confirmation, \*\*GA 17 . . . . . pp. 99, 913, 1780
- Shore, Morris G., Eastern Washington state college, trustee  
board member, confirmation, \*\*GA 27 . . . . . pp. 100, 1544, 1781
- Siegal, Arthur, Seattle community college, trustee  
board member, GA 35 . . . . . p. 102
- Smith, Helen, Green River community college, trustee  
board member, confirmation, \*\*GA 41 . . . . . pp. 103, 899, 1299
- Smith, Mrs. Ward H., Lower Columbia community college,  
trustee board member, confirmation, \*\*GA 45 . . . . . pp. 103, 900, 1300
- Smith, Sidney E., social and health services, secretary,  
confirmation, \*\*GA 6 . . . . . pp. 97, 821, 1820
- Smyth, Wayne, canal commission, member, confirmation,  
\*\*GA 20 . . . . . pp. 99, 1373, 1780
- Stanford, James R., tax board of appeals, member,  
confirmation, \*\*GA 82 . . . . . pp. 1023, 1621, 1783
- Stimpson, Mrs. E. K., community college district No. 21,  
trustee board member, confirmation, \*\*GA 54 . . . . . pp. 105, 901, 1302
- Strachan, Mrs. Margaret, Olympic community college, trustee  
board member, confirmation, \*\*GA 67 . . . . . pp. 1020, 1084, 1304
- Stubbs, Leonard, Spokane community college, trustee  
board member, confirmation, \*\*GA 50 . . . . . pp. 104, 901, 1302
- Thal, Sanford, Washington state pharmacy board, member,  
confirmation, \*\*GA 60 . . . . . pp. 186, 913, 1468
- Tibbets, Oliver, Grays Harbor community college, trustee  
board member, confirmation, \*\*GA 30 . . . . . pp. 101, 898, 1297

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## GUBERNATORIAL APPOINTMENTS—Continued:

- Troup, John B., higher education personnel board,  
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- Urie, Herbert C., Lower Columbia community college,  
trustee board member, confirmation, \*\*GA 66 . . . . . pp. 1020, 1084, 1304
- Weinstein, Lawrence, Grays Harbor community college,  
trustee board member, confirmation, \*\*GA 69 . . . . . pp. 1021, 1085, 1305
- Whittaker, James W., parks and recreation commission,  
member, confirmation, \*\*GA 14 . . . . . pp. 98, 1262, 1468
- Williams, J. Joy, tax board of appeals, member,  
confirmation, \*\*GA 81 . . . . . pp. 1023, 1620, 1783
- Wilson, Mrs. Marilyn, Wenatchee Valley community  
college, trustee board member, confirmation,  
\*\*GA 73 . . . . . pp. 1021, 1084, 1306
- Woodward, Walt, pollution control hearing board,  
member, confirmation, \*\*GA 16 . . . . . pp. 99, 912, 1780
- Young, Andrew, community college education board,  
member, confirmation, \*\*GA 11 . . . . . pp. 97, 1544, 1779

## GUESS, SENATOR SAM C.:

- Explanation of vote, SB 177 . . . . . p. 254

## HAHNER, H. H. "DUTCH":

- Member, board of regents, Washington State University,  
appointment, confirmation, \*\*GA 80 . . . . . pp. 1023, 1319, 1615

## HALE, REID E.:

- Highline community college, trustee board member,  
appointment, confirmation, \*\*GA 39 . . . . . pp. 102, 899, 1299

## HANDICAPPED: (see also Mentally Ill and Retarded)

- Children, education, special aid program, SB 66, \*HB 90, CH. 66 EX.  
Educational programs, coordination, study, \*SCR 4.  
Services, title only, SB 4.  
Transport, school bus leases, authorized, \*HB 322, CH. 78.
- Disabled persons, certain, real property tax, payment deferrals, lien provisions, SB 603.
- Legal proceedings, deaf, non-English speaking individuals, interpreter provisions, SB 470,  
Sub SB 470.
- Parental successors, nonprofit charitable corporation, appointment authorized, HB 782.
- Public accommodation buildings, design standards, \*HB 841, CH. 219 EX.

## HANSEY, DONALD G.

- Aeronautics commission, member,  
appointment, confirmation, \*\*GA 7 . . . . . pp. 97, 159, 224

## HARBORS:

- Areas, leases, governmental agencies, natural resources department, management fee,  
determination, SB 147, Sub SB 147.  
Rental rate, provisions, Sub SB 147.
- Line, beyond present limits, establishment, SB 116.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## HARBORS—Continued:

Lines, Kalama, Port Washington narrows, Sinclair inlet, relocation authorized, SB 161, \*HB 200, CH. 158 EX.

## HAY:

Transportation, public highways, cargo manifest required, SB 880.  
Warehouses, public, open air yards, definition expanded, \*HB 558, CH. 65.

## HEAD START:

Projects, supplementation, appropriation, \*Sub HB 151, CH. 275 EX. PV.

## HEALTH:

Blood transfusions, warranties, liability, immunity provision, \*HB 157, CH. 56.  
Board, manufacturing, construction use, regulation, HB 927.  
State, plumbers, licensing, regulation, SB 397.  
Community mental health programs, boards, funding, provisions revised, \*HB 277, CH. 204 EX.  
Councils, comprehensive planning advisory, created, duties, SB 638, \*Sub HB 553, CH. 198 EX.  
Dental assistants, duties, certain, authorized, \*SB 233, CH. 236 EX.  
Hygienists, duties, certain, expansion provisions, \*SB 231, CH. 235 EX.  
Drug prescriptions, generic, brand name use, required, SB 271.  
Health care, all citizens, federally underwritten, petitioned, Sub SJM 12.  
Health care services, nurses, registered, practical, collective bargaining, provisions, SB 415.  
Health, professions, advertising, certain purposes, permitted, SB 307.  
Meat, custom facilities, licensing, regulation, SB 446, \*Sub SB 446, CH. 98 EX.  
Poultry inspection, federal regulations, state adoption, \*SB 525, CH. 108 EX.  
Minors, drug, alcoholic abuse care, without parental consent authorized, \*SB 273, CH. 304 EX. PV.  
Naturopaths, examining disciplinary board created, SB 494, Sub SB 494.  
Physicians examining board created, Sub SB 494.  
Pesticides, application, licensing, general revisions, \*HB 636, CH. 191 EX.  
Poisonings, dangers, health and social services department, investigation authority, \*HB 415, CH. 41 EX.  
Pets, household, communicable diseases, protection, control, provisions, \*SB 228, CH. 72.  
Physical therapists, assistants, duties, rules, regulations, SB 892.  
Physicians, assistants, licensing, \*SB 182, CH. 30 EX.  
Planning, comprehensive program, state-wide, regional, provisions, SB 638, \*Sub HB 553, CH. 198 EX.  
Schools, private, parochial, minimum state controls, standards, provisions, \*HB 335, CH. 215 EX.  
Students, school, disease, sight, hearing, health measures, precautionary procedures, standards, \*SB 103, CH. 32.  
Tuberculosis, respiratory disease hospitals, two districts, establishment authorized, \*HB 313, CH. 277 EX. PV.  
Venereal disease, contraceptives, treatment, medicine, advertising prohibition removed, SB 505, \*HB 853, CH. 185 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## HEALTH AND WELFARE PLANS:

Chiropractors, health care services, state contracts, discrimination, prohibited, SB 715.

Inclusion required, SB 696.

Colleges, universities, employees, health care insurance payments, required coverage, SB 329.

Insurance, coverage, all types, provisions, \*SB 298, CH. 269 EX.

Corporations, nonprofit, health care, formation, operation, authorized, SB 618.

Dentists, health care contractors, nonprofit associations, employment provisions, SB 590.

Doctors, any discipline, choice, preference permitted, SB 389.

Duplicate coverage, limiting, coordinating benefits, prohibited, SB 403.

Health care, all citizens, federally underwritten, petitioned, Sub SJM 12.

Public contracts, doctors, freedom of choice, established, SB 615.

State, municipal contracts, doctors, freedom of choice, established, SB 614.

Optometrists, discrimination prohibited, SB 617.

Medical service corporations, title only, SB 705.

Optometrist discrimination, company officials, physicians, penalties, SB 616.

Osteopaths, inclusion required, SB 696(a).

Police, firemen, certain medical benefits, retirement fund system payment provision, SB 820.

Retired, non-service injury, sickness, benefits, medical plan coverage limitation, SB 688.

Service completion, non-medical plan benefits, coverage, removed, SB 689.

Schools, colleges, employees, staff, health care, protection, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.

Employees, insurance, coverage, all types, provisions, \*SB 298, CH. 269 EX.

State employees, contracts, rebidding, awarding, two-year periods, HB 816.

Various health practitioners, use, provisions, HB 816(a).

Coverage plans, choice, provisions, HB 816, SB 510.

Judges, inclusion, HB 816, SB 366, SB 510.

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## HEARING AIDS:

Hearing and fitting board established, sales, licenses, regulation, SB 586.

## HEARINGS:

County budgets, date provisions, \*HB 765, CH. 136 EX.

Examiner, state, school district organizational administration, county committee, substituted, SB 464(a), \*SB 150, CH. 37.

Highways, location, design, public hearings, required, HB 769, SB 722.

Pollution control facility, credits, exemption certificate, issuance, denial, appeal, provisions, Sub HB 1081.

Public, open, provisions, \*SB 485, CH. 250 EX.

Shorelines, board established, SB 584, \*Sub HB 584, CH. 286 EX. PV.

Timber, timberlands, appraisal manual revision, updating, provisions, SB 850.

## HELMETS:

Motorcycle operators, riders, glasses, helmets, wearing requirements, \*HB 672, CH. 150 EX.

Motorcycle, requirement abolished, SB 750.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

- HENDERSON, MELVIN D.  
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- HERR, SENATOR GORDON:  
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- HERRMANN, MRS. JULIA:  
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- HICKS, CONGRESSMAN FLOYD V.:  
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 Faculties, professional negotiations, collective bargaining, rights, procedures, study, HB  
 984.  
 Students, loans, state loan program, established, SB 840.
- HIGHER EDUCATION COUNCIL:  
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 School, post high, financial support systems, study, \*HCR 7.
- HIGHER EDUCATION PERSONNEL BOARD:  
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- HIGHER EDUCATION, WESTERN INTERSTATE COMMISSION:  
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- HIGHLINE COMMUNITY COLLEGE:  
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- HIGHWAYS: (see also Roads)  
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 Signs, adjacent to highways, regulation, SB 376, \*SB 635, CH. 62 EX.  
 Air space corridors, public agencies acquisition, provisions, \*SB 363, CH. 39 EX.  
 Appropriations, operations, capital improvements, 1971-73 biennium, \*Sub HB 510,  
 CH. 290 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## HIGHWAYS—Continued:

- Boat transporters, covered vans, fourteen foot height limitation provision, inclusion, SB 401.
  - Fourteen-foot height limitation provision, inclusion, \*Sub SB 401, CH. 248 EX.
- Budget, adopted, appropriation, operations, capital improvements, 1971-73 biennium, \*Sub HB 510, CH. 290 EX. PV.
- Cathlamet-Ryderwood, route, feasibility study, SB 891.
- Classification board created, SB 360.
- Classification, functional, long range plan, SB 360.
- Commission, Cathlamet-Ryderwood, highway route, feasibility study, SB 891.
  - Puget Island-Westport ferry system, maintenance, operation payments, HB 356(a).
  - Maintenance payments, HB 356, SB 173.
  - Operation, maintenance payments, appropriation, \*SB 567, CH. 254 EX.
- Condemnation actions, real estate, court costs, state payment provisions, SB 226, Sub SB 226.
- Condemned property, set-offs benefits, determination, time period, HB 138.
- Construction, expediting, employment increase purposes, \*HCR 41.
- Corridors, location, public hearings, required, HB 769, SB 722.
- County, relocation, construction, improvements, public utility facilities, removal, relocation cost payment provision, SB 718.
- Cross-sound transportation, evaluation, financing, development plan, authorized, \*HB 659, CH. 149 EX.
- Engineers, district, bids, construction, maintenance contracts, authorized, \*HB 397, CH. 78 EX.
- Environmental impact reports, construction related, provisions, \*HB 273, CH. 24 EX.
- Grade crossing protective program, utilities and transportation commission, administration, appropriation, \*Sub HB 510, CH. 290 EX. PV.
- Hay, transportation, cargo manifest required, SB 880.
- Interstate, construction, impact reports, provisions, \*HB 273, CH. 24 EX.
  - Relocations, construction, improvements, public utility facilities, removal, relocation cost payment provision, \*SB 486, CH. 262 EX.
- Joint committee, renamed, legislative transportation committee, \*HB 892, CH. 195 EX.
  - Scenic recreational system, study, HB 398(a).
  - State patrol financing, methods, review, \*SB 124, CH. 91 EX.
- Junkyards, adjacent to highways, screening requirements, \*SB 735, CH. 101 EX.
- Lake Vancouver, industrial route, completion, SB 306.
- Location, design, public hearings, required, HB 769, SB 722.
- Mass transportation department created, coordination planning, SB 704.
- Mobile homes, movement permits, department issuance, provisions, \*Sub HB 69, CH. 231 EX.
- Motor vehicle fuel, cement mixer, garbage, fuel delivery trucks, power take-off unit use, tax refund, \*HB 353, CH. 36 EX.
  - Ditch riders, certain farm trucks, non-highway use, tax refunds, SB 853.
  - Rural mail carriers, tax refund, SB 889.
- Personnel, appointment, discipline, discharge, department authority, \*SB 861, CH. 115 EX.
- Plans, specifications, maps, contract, bjd purposes, sale provisions, \*SB 143, CH. 36.
- Plowing, snow, recreation land, designated parking areas, commission authorized, SB 138.
- Point Ellice to Skamokawa, planning, right of way acquisition, appropriation, SB 106.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

HIGHWAYS—Continued:

- Public, construction, improvement, public utility facilities, relocation, cost payment provision, SB 814.
- Title only, SB 487, \*SB 486, CH. 262 EX.
- Puget Island-Westport ferry system, operation, maintenance payments authorized, \*SB 567, CH. 254 EX.
- Relocations, construction, improvements, county roads, public utility facilities, removal, relocation cost payment provision, SB 718.
- Interstate highways, public utility facilities, removal, relocation, cost payment provisions, \*SB 486, CH. 262 EX.
- Public assistance recipients, rent payments, duplication, allowance determination, \*SB 172, CH. 9 EX.
- Rent payments, relocations, public assistance recipients, duplication, allowance determination, \*SB 172, CH. 9 EX.
- Restoration, emergency, bid, contract, provisions, \*SB 312, CH. 4.
- Protection, emergency, provisions, \*SB 629, CH. 89 EX.
- Ridgefield—Vancouver, planning, construction, SB 306.
- Rules of the road, motor vehicles, general amendment, SB 299.
- Scenic recreational system, study authorized, HB 398.
- Scenic system, additional state highways, designation, SB 376.
- State, road contracts, sales tax provisions, inclusion, \*Sub SB 897, CH. 299 EX. PV.
- Route description amended, SB 601, \*SB 291, CH. 73 EX.
- Traffic control, intersection right-of-way, established, SB 290.
- Trailers, trucks, length limits extended, highway use permitted, SB 401, \*Sub SB 401, CH. 248 EX.
- Trails, plans, departmental consideration, provisions, \*Sub SB 372, CH. 47 EX.
- Severance, destruction, construction causes, alternate trails, planning, provisions, \*HB 1060, CH. 130 EX.
- Transportation committee, created, powers, duties, \*HB 892, CH. 195 EX.
- Department, created, HB 539, SB 444, SB 588.
- Related areas, studies, provisions, \*HB 892, CH. 195 EX.
- Urban arterial board, reporting, advance planning, time period revised, \*HB 759, CH. 291 EX. PV.
- Utility facilities relocation, title only, SB 787.
- Weed district assessments, right-of-way, motor vehicle funds, payment provision, \*SB 883, CH. 119 EX.

HIGHWAYS—PRIMARY:

- Environmental impact reports, construction related, provisions, \*HB 273, CH. 24 EX.
- Point Ellice to Skamokawa, planning, right of way acquisition, SB 106.

HILL, MATTHEW:

- Pollution control hearing board, member,
- appointment, confirmation, \*\*GA 18 . . . . . pp. 99, 913, 1614

HISTORY:

- School, courses, U.S., Washington, requirement revised, HB 343.

HOAG, DR. RICHARD M.:

- Skagit Valley Community College, trustee board member,
- appointment, confirmation, \*\*GA 33 . . . . . pp. 101, 898, 1298

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## HOLIDAYS:

King, Martin Luther, school holiday, SB 104.  
 School, superfluous provisions repealed, HB 14.

## HOLIFIELD, GEORGE W.:

Personnel board, member,  
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## HOLMAN, SENATOR FRANCIS E.:

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## HOMESTEADS:

Value, amounts increased, \*SB 496, CH. 12 EX.

## HOMICIDE:

Incendiary devices, explosives, use, resulting deaths, first degree murder, provision, SB 432, \*Sub SB 441, CH. 302 EX. PV.

## HOPS:

In transit, property tax exemption, SB 819, \*HB 860, CH. 137 EX.

## HORSES:

Earley, Robert, racing commission, member, appointment, GA 59 . . . . . p. 186  
 Racing commission, abolished, SB 422.  
 Members, number increased, appointment provisions, HB 668(a).  
 Quarterhorse breeder, membership provision, HB 668.  
 Thoroughbred breeder, additional member, provision, HB 668(a).  
 Racing, meet participation, annual license fee, commission establishment, HB 308.  
 Increased, HB 308(a).  
 Sweepstakes, state, authorized, SB 888.

## HORTICULTURE:

Nursery stock, growing property tax, listing required, \*SB 515, CH. 18 EX.  
 Pesticide regulation, control board established, SB 498, \*HB 540, CH. 190 EX.  
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## HOSPITALS:

Construction, certificates of need, issuance, SB 638, \*Sub HB 553, CH. 198 EX.  
 Contracts, discriminatory practice prevention, reviews, Sub HB 946.  
 County, infirmaries, public assistance recipients, indigents, services, payment, \*HB 313,  
 CH. 277 EX. PV.  
 Mentally ill, detention, observation, cost recovery, SB 157.  
 Districts, taxing limits increased, revenue bonds issuance authorized, \*HB 1046, CH. 218  
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 Tuberculosis, respiratory diseases, established, \*HB 313, CH. 277 EX. PV.  
 Two districts, establishment authorized, \*HB 313, CH. 277 EX. PV.  
 Emergency care, surgical, hospital, without consent, liability, provisions, \*SB 188, CH.  
 305 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

HOSPITALS—Continued:

- Employees, nonprofit institutions, unemployment compensation, coverage extended, SB 120, \*HB 199, CH. 3.
- License fee, increased, SB 767.
- Licenses, annual expiration date, provisions, \*SB 295, CH. 247 EX.
- Malpractice actions, statute of limitations, provision, \*HB 720, CH. 80.
- Nonprofit, employees, unemployment compensation, coverage extended, SB 120, \*HB 199, CH. 3.
- Nurses, registered, practical, collective bargaining, provisions, SB 415.
- Private establishment, licensing, psychiatric patients, provisions, SB 511.
- Rate commission, established, duties, SB 458.
- State, mental, patients, personal funds, reduction, program qualification purposes, SB 157, \*Sub SB 157, CH. 82.
- State schools, individuals, personal funds, reduction, program qualification purposes, SB 647.
- Patients, personal accounts, amount provision revised, SB 28.
- Residential, patients, financial responsibility provisions, SB 647.
- Students, personal funds, reduction, program qualification purposes, SB 866, \*Sub SB 866, CH. 118 EX.
- Tuberculosis, funding, property tax, levy provisions, \*HB 313, CH. 277 EX. PV.
- Respiratory diseases, two districts, establishment authorized, \*HB 313, CH. 277 EX. PV.

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- Excise tax, special use, all counties, stadium purposes, imposition authorized, SB 769.
- Licensing, regulation, HB 869, \*SB 170, CH. 239 EX.

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- Authorities, cities, commissioners, per diem, expenses, payment provisions, HB 516(a).
- Class A counties, east of Cascade mountains, need, referendum provision, \*SB 884, CH. 300 EX. PV.
- Creation, gubernatorial authority provisions, SB 628.
- Indian, real property, tax exempt, SB 873.
- Supplemental projects, undertaking authorized, \*SB 884, CH. 300 EX. PV.
- Colleges, universities, married students, construction, 1971-73 biennium, expenditure prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Community colleges, dormitories, capital improvements budget funds use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Landlord-tenant laws, legislative council study, HCR 23.
- Low cost, high degree risk, loans, mutual banks, investment authorized, SB 316.
- Project, definition expanded, \*SB 311 VETOED.
- Residential landlord-tenant act, SB 591.

HOWE, WALTER C. JR.:

- Program planning and fiscal management office, director, appointment, confirmation, \*\*GA 22 . . . . . pp. 99, 144, 1614

HUGHES, JOHN B.:

- Shoreline community college, trustee board member, appointment, confirmation, \*\*GA 36 . . . . . pp. 102, 899, 1298

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**HULK HAULERS:**

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**HUMAN RIGHTS:**

Commission, created, discrimination board duties transferred, SB 507, \*SB 203, CH. 52 EX.

**HUNT, HARRY T.:**

Peninsula community college district, trustee board member, appointment, confirmation, \*\*GA 29 . . . . . pp. 101, 898, 1297

**HUNTING:**

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 Elk, deer, either sex season, county commissioner approval provision, \*HB 773, CH. 183 EX.  
 Privately owned animals, misdemeanor, SB 459.

**HUNTLEY, SENATOR ELMER C.:**

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**IDENTIFICATION CARDS:**

Liquor purchases, certain cards, acceptance, \*SB 163, CH. 15 EX.  
 Public assistance recipients, issuance, \*HB 798, CH. 65 EX.

**INCENDIARY DEVICES:**

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 Possession, manufacture, use, crime, SB 432, \*Sub SB 441, CH. 302 EX. PV.

**INCOME:**

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 Principal and income act, enacted, \*HB 66, CH. 74.

**INDIANS:**

Campfires, smoke signals, religious rituals, provisions, \*Sub HB 772, CH. 232 EX.  
 Fishing, steelhead, off-reservation, prohibited, SB 110.  
 Treaty rights exercise, arrest immunity, SB 721.  
 Housing authorities, real property, tax exempt, SB 873.  
 Lands, state zoning powers relinquished, SB 774.  
 Public works, local, advance planning, provisions, HB 680.  
 State, criminal, civil jurisdiction, retrocession provisions, SB 685.  
 Tribes, interlocal cooperation, participation, HB 272, \*SB 107, CH. 33.  
 Voting franchise, restriction removed, HJR 30.

**INDIGENTS:**

Civil actions, proceedings costs, poverty allegation, cost waiver provisions, SB 484.  
 Court counsel, certain cases, state payment provisions, Sub HB 176.  
 Juveniles, delinquents, court counsel, state provision, SB 57.  
 Legal aid, temporary special study commission, created, SB 549.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**INDUSTRIAL FINANCE AUTHORITY:**

Created, duties, SB 294.

**INDUSTRIAL INSURANCE:**

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Employer records, inspection, state inspection, agency authorization provision, \*SB 619, CH. 255 EX.

Extrahazardous employment, included categories, revised, \*HB 735, CH. 289 EX. PV.

Law, general revisions, SB 686, SB 701, \*HB 735, CH. 289 EX. PV.

Pensioners, prior, pension increase, SB 69.

Vocational rehabilitation, training program, compensation, continued payment authorized, \*SB 68 VETOED.

Workmen's compensation, injuries, death, third party contractor negligence, right of action, HB 538.

Private, state, self-insurer, coverage insurance, \*HB 735, CH. 289 EX. PV.

Retail clerks, coverage, SB 260.

**INDUSTRY:**

Accident prevention, industrial insurance, incentives, protective premium formula, building industry, dividend returns, \*SB 472, CH. 274 EX.

Bonds, industrial development, certain registration, exempted, SB 777.

Economic development, title only, SB 743.

Industrial dispersion authority, created, SB 39.

Diversification authority, created, SB 41.

Finance authority, created, duties, SB 294.

Sites, lands, title only, SB 742.

Waste discharge, reporting, disclosure provisions, \*Sub HB 595, CH. 160 EX.

Loans, mortgages, industrial projects, SB 294.

Metal manufacturing plants, under construction, tax credit, provision, \*Sub SB 897, CH. 299 EX. PV.

Puget Sound, dispersion authority, SB 39.

Diversification authority, created, SB 41.

Dispersion, mortgage insurance authority, SB 33.

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Scientists, engineers, employment, special public corporation, petitioned, HJM 21.

Taxes, payment deferral provisions, SB 301.

Waste discharges, reporting, monitoring fees, required, SB 358.

Zoning, cities, counties, site location, stabilizing, provisions, SB 293.

**INHERITANCE:**

Tax, city retirement, pension system benefits, exempt, HB 897.

Military retirement annuities, exempt, HB 61.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



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- Shorelines management act, alternative to Initiative 43, SB 584, \*Sub HB 584, CH. 286 EX. PV.
- Shorelines protection act, INT 43 . . . . . p. 166
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- Blind, school, division, jurisdiction transferred, blind commission, SB 93, Sub SB 93.
- Children, handicapped, services, title only bill, SB 4.
- Correctional, prisoners, temporary leaves permitted, SB 240.
- Counties, probation service programs, state funds, payment, average base commitment rate, use provisions, SB 468, \*HB 575, CH. 165 EX.
- Fort Worden, operation, appropriation, SB 471.
- Omnibus budget, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Furloughs, felons, rehabilitation purposes, authorized, SB 283, \*SB 125, CH. 58 EX.
- Inmates, certain, prison produced goods, articles, sale authorized, SB 229.
- Mentally ill, state hospitals, personal funds, reduction, program qualification purposes, SB 157, SB 647, \*Sub SB 157, CH. 82.
- Minors, personal funds, applicable, public assistance purposes, \*HB 416, CH. 169 EX.
- Northern state hospital, facilities, alternate uses, study, \*Sub HB 151, CH. 275 EX. PV.
- Operation, omnibus budget, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Olympic center, appropriation, SB 187.
- Operation, omnibus budget, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Parole revocations, rehabilitation prospects, hearings, general provisions, SB 431.
- Petitions, signatures, solicitation organization payment prohibited, HB 367.
- Prisoners, released, monetary grants, payment provisions, \*Sub HB 561, CH. 171 EX.
- Public assistance recipients, mental patients, eligibility limitation deleted, \*HB 416, CH. 169 EX.
- Schools, residential, students, compulsory attendance law, excepted, \*HB 1037, CH. 51 EX.
- State hospitals, mentally ill, patients, personal funds, reduction, program qualification purposes, SB 157, \*Sub SB 157, CH. 82.
- Residential hospitals, schools, residents, financial responsibility provisions, SB 647, SB 866.
- State, mental, state schools, individuals, personal funds, reduction, program qualification purposes, SB 647.
- School, residential, students, personal funds, reduction, program qualification purposes, SB 866, \*Sub SB 866, CH. 118 EX.
- Work release, prisoners, approval provisions revised, \*SB 125, CH. 58 EX.

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- Checks, larceny by check, grand larceny, HB 244.
- State, public assistance, lost, duplicate issue bond provision, not applicable, \*SB 137, CH. 54 EX.
- Warrant, lost, duplicate issue, bond requirement, not applicable, \*SB 137, CH. 54 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## INSURANCE: (see also Industrial Insurance)

- Automobile, cancellation, sex, marital basis, prohibited, \*HB 140, CH. 174 EX.
- No-fault, study, report, HB 696, SB 581.
- Code, general revisions, HB 581, SB 502.
- Colleges, universities, employees, health care insurance payments, required coverage, SB 329.
- Students, coverage, all types, provisions, \*SB 298, CH. 269 EX.
- Commissioner, automobile insurance, cancellation, sex, marital basis, regulations, enforcement, \*HB 140, CH. 174 EX.
- Fire marshal, duties, authority, provisions revised, SB 656.
- Insurance markets, competition, continuing study, SB 746(a).
- Premium taxes, collection, transferred, revenue department, SB 414.
- Companies, insolvent, certain, insurance guaranty association, payment provisions, \*SB 18, CH. 265 EX.
- Life and disability insurance guaranty association, payment provisions, \*SB 17, CH. 259 EX.
- Disability, chiropractic services, contracts, coverage, \*SB 380, CH. 13 EX. PV.
- Psychological services, contracts, coverage, SB 379, \*HB 684, CH. 197 EX.
- File and use, provisions, SB 746(a).
- Fire commissioners, payment, provisions, Sub HB 340, \*SB 176, CH. 242 EX.
- Funeral contracts, pre-need, regulation, HB 578.
- Guaranty association, created, \*SB 18, CH. 265 EX.
- Health care, all citizens, federally underwritten, petitioned, Sub SJM 12.
- Contracts, chiropractors, inclusion required, SB 696.
- Osteopaths, inclusion required, SB 696(a).
- Disability programs, duplicate coverage, limiting, coordinating benefits, prohibited, SB 403.
- Protection, school, college employees, staff, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.
- Public contracts, doctors, freedom of choice, established, SB 615.
- Service, doctors, any discipline, choice, preference permitted, SB 389.
- Optometrist discrimination, company officials, physicians, penalties, SB 616.
- State, municipal contracts, doctors, freedom of choice, established, SB 614.
- Optometrists, discrimination prohibited, SB 617.
- Holding companies, comprehensive regulatory provisions, SB 596, \*SB 380, CH. 13 EX. PV.
- Industrial, accident prevention, incentives, protective premium formula, building industry, dividend returns, \*SB 472, CH. 274 EX.
- Insolvent firms, insurance guaranty association, claimant payment provisions, \*SB 18, CH. 265 EX.
- Insurance code, general revisions, HB 581, SB 502.
- Joint committee, banking, insurance and transportation, joint committee created, duties, SB 668.
- Joint interim committee, banking, insurance, utility regulation, established, duties, \*SCR 32.
- Judges, state employees health care plan, inclusion, HB 816, SB 366, SB 510.
- Law enforcement officers, volunteer firemen, killed on duty, life insurance, provisions, SB 27, Sub SB 27.
- Life and disability insurance guaranty association, created, \*SB 17, CH. 259 EX.
- Liquor, damaged shipping containers, sale provisions, SB 529.
- Mortgage insurance authority created, SB 33.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## INSURANCE--Continued:

- Motor vehicle, commercial, driving experience abstracts, use restricted, SB 256.
- Liability, cancellation provisions, SB 598.
- License issuance, financial responsibility, proof required, SB 620.
- No fault, mandatory basic protection, SB 654.
- Physical disability, unknown pre-existing, contract disallowance provisions, void, SB 480.
- Policy misstatements, defense, time limitation, reduced, SB 474.
- Property, cancellation, provisions, SB 491.
  - Real, insured policy amount, deemed true value, SB 473.
- Psychological services, disability insurance contracts, coverage, SB 379, \*HB 684, CH. 197 EX.
- Rates, company investment income, consideration, SB 289.
  - File and use, provisions, SB 746(a).
  - Title only, SB 746.
- School districts, employees, on-duty coverage, provision, \*SB 298, CH. 269 EX.
- School employees, health, protection, provisions, school payments, amount increase, SB 464(a).
  - Premiums, payment, amount increased, HB 350, SB 464(a).
- Schools, colleges, employees, staff, health care, protection, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.
- Employees, students, coverage, all types, provisions, \*SB 298, CH. 269 EX.
- Sewer, water districts, life insurance, employees, commissioners, authorized, SB 526.
- Specific risk rate, excess of filing rate, limitation, SB 478.
- Prohibited, SB 506.
- State employees, officials, health care contracts, rebidding, awarding, two year periods, HB 816(a).
  - Various health practitioners, use, provisions, HB 816(a).
  - Health coverage plans, choice, provisions, HB 816, SB 510.
- Teachers, retirement allowance, premiums, deductions authorized, \*HB 434, CH. 63.
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- Under-insurance, losses, full payment provisions, SB 230.
- Vessel, pilots, service payment coverage provisions, \*SB 465, CH. 297 EX. PV.

## INTEREST AND USURY:

- Agriculture department, funds, interest, crediting provisions, HB 621.
- Inheritance tax, escheats, refunds, interest rates, time limitation provision, SB 651.
- Retail installment sales, rate, increased to 15%, HB 718.
- State depository, interest distribution, dates revised, \*SB 626, CH. 72 EX.
- Taxes, delinquent, payments, penalties, interest application priority provision, \*Sub SB 897, CH. 299 EX. PV.
  - State, taxing district, credit distribution, SB 154.
  - Unpaid assessments, rate increased, \*Sub SB 897, CH. 299 EX. PV.
  - Property, delinquent, interest rate reduced, SB 917.

## INTERESTS:

- State commissions, boards, members, conflict of interest statute, inclusion, HB 918.

## INTERGOVERNMENTAL COOPERATION:

- Title only, SB 910.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## INTERIM COMMITTEES:

- House, appointed . . . . . pp. 2001-2003
- Senate, appointed . . . . . pp. 1997-1998

## INTERNATIONAL PAPER COMPANY:

- Sequester state park, addition, adjacent lands, exchange authorized, \*SB 858, CH. 90 EX.

## INTERPRETERS:

- Legal proceedings, deaf, non-English speaking individuals, provision, SB 470, Sub SB 470.

## INTERSTATE COMPACTS:

- Children, placement, enactment, \*HB 414, CH. 168 EX.

## INTOXICATION:

- Blood, withdrawal, test purposes, motor vehicle implied consent, liability, HB 239.
- Crime, provisions repealed, SB 205.
- Motor vehicle operators, criminal offense, SB 281.
- Physical control of vehicle, violation, \*SB 47, CH. 22 EX.

## INVESTMENTS:

- Franchises, protection act, \*SB 755, CH. 252 EX.
- Housing, low-cost, environmental improvements, mutual banks, high degree risk, loans, authorized, SB 316.
- Savings banks, investment, SB 316.
- Insurance companies, income rate making, consideration, SB 289.
- Insurance holding companies, comprehensive regulatory provisions, SB 596, \*SB 380, CH. 13 EX. PV.
- Manufacturers, eligible investment projects, factory improvements, B & O tax credit, SB 693.
- Mutual savings banks, Asian development bank obligations, authorized, HB 349, \*HB 642, CH. 222 EX.
- Public employees' system, funds, certain limited partnerships, investment authorized, SB 898.
- Public funds, state, finance and business regulation department, administration, SB 711.
- School districts, funds, interfund loans, transfer, rules, SB 132.
- Securities, protective restrictions, financial requirements, records, general provisions, SB 673.
- State, finance advisory committee, finance department, duties, HB 1022(a).
- Retirement system, funds, Asian development bank obligations, authorized, HB 349.
- Surplus funds, certain federal corporations, investment provisions, \*HB 29, CH. 16.

## IRRIGATION:

- Districts, ditch riders, non-highway use, motor vehicle fuel, tax refunds, SB 853.
- Employees, collective bargaining, SB 162.
- Real property sale, adjacent owners notice, purchase preference, \*HB 337, CH. 125 EX.
- Treasurer, appointment, salary, provisions, SB 77.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**IRWIN, CLARENCE:**  
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**ISLAND COUNTY:**  
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**JAILS:**  
 County, parole violators, detention, costs, reimbursement, SB 443. . . .  
 Prisoners, post-trial proceedings, credit, \*SB 153, CH. 86 EX.

**JAMES, LESLIE W.:**  
 Walla Walla community college, trustee board member, appointment,  
 confirmation, \*\*GA 53 . . . . . pp. 105, 901, 1302

**JANITORS AND JANITORIAL SERVICES:**  
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**JAQUETTE, MRS. HARRIET S.:**  
 Bellevue community college, trustee board member, appointment,  
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**JEFFERSON COUNTY:**  
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**JOHNSON BRUCE F.:**  
 Prison terms and paroles board, chairman, appointment,  
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**JOHNSON, CHARLES L. R.:**  
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**JOLLY, SENATOR DAN:**  
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**JORDAN, JOE:**  
 Composer, State of Washington, official march, SB 716.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## JUAN DE FUCA STRAITS:

Fishing, commercial, special harvest, gill nets, purse seines, use, provisions, SB 655, SB 752, \*HB 687, CH. 283 EX. PV.

## JUDGES:

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District court, retirement, study \*SFR 70 . . . . . p. 1489

Higher courts, salaries, state per capita personal income basis, annual adjustments, SB 613, SB 848.

Justice conference, annual, out of state locations, provision, SB 253.

Council, membership increased, appeals court judges, added, HB 185, \*SB 241, CH. 40.

Justice court, Douglas county, number, reduced to one, \*HB 620, CH. 147 EX.

Grant county, number reduced, SB 463.

To one, \*HB 620, CH. 147 EX.

Grays Harbor county, number, reduced to two, \*HB 620, CH. 147 EX.

Justice courts, districts over 40,000, over \$9,000, deemed full time justices, \*HB 620, CH. 147 EX.

Full time, other public office, filing, holding, ineligible, SB 894.

Telephone directory advertising, classified pages prohibited, SB 585.

Retirement, public employees' system, former membership, reinstatement, prior service credits, SB 809(a), \*SB 59, CH. 267 EX.

Retirement system, courts of record, established, \*SB 59, CH. 267 EX.

State employees' health care plan, inclusion, HB 816, SB 366, SB 510.

Superior court, grand juries, summons provisions, SB 239, \*HB 175, CH. 67 EX.

Island, San Juan counties, number revised, district altered, SB 759, \*HB 643, CH. 83 EX.

Skagit county, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.

Snohomish, Clark, Pierce counties, number increased, \*HB 643, CH. 83 EX.

Whatcom county, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.

Supreme court, membership reduced to 7, SB 856.

## JUDGMENTS:

Contractors, surety bonds, priorities revised, separate actions, judgments, payment provisions, Sub HB 596.

Debtors, court appearance, interrogatories, creditor remedies, provisions, \*HB 686, CH. 211 EX.

## JUDICIAL COUNCIL:

Landlord-tenant laws, study, HCR 23.

## JUDICIAL DISTRICTS:

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Skagit county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.

Snohomish, Clark, Pierce counties, judges, number increased, \*HB 643, CH. 83 EX.

Whatcom county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**JUDICIAL SYSTEM:**

- Court administration, interference, obstruction, crime, SB 441, \*Sub SB 441, CH. 302 EX. PV.
- Judiciary, title only, SB 809.
- Supreme court, composition, title only, SB 791.
- Title only, SB 698.

**JUNKYARDS:**

- Location, adjacent to highways, screening requirements, \*SB 735, CH. 101 EX.

**JURIES AND JURORS:**

- Grand, summons provisions, SB 239, \*HB 175, CH. 67 EX.
- Juries, 6 or 12 persons, request provisions, SB 127, SB 246.

**JUSTICE COURTS:**

- Attorney fees, justice court actions, reasonable, provisions, SB 631.
- Bonds, fidelity, provisions, SB 74.
- District court act, all counties, provisions, SB 118, SB 245.
- District courts, names, alternate referrals, \*SB 244, CH. 73.
- Douglas county, judges, number, reduced to one, \*HB 620, CH. 147 EX.
- Grant county, judges, number reduced, SB 463.
- To one, \*HB 620, CH. 147 EX.
- Grays Harbor county, judges, number, reduced to two, \*HB 620, CH. 147 EX.
- Judges, districts over 40,000, over \$9,000, deemed full time justices, \*HB 620, CH. 147 EX.
- Full time, other public office, filing, holding, ineligible, SB 894.
- Telephone directory advertising, classified pages, prohibited, SB 585.
- Search warrants, issuance authorized, SB 438.
- Title only, SB 914.

**JUVENILES: (see also Youth)**

- Courts, certain proceedings involving minors, public excluded, SB 224.
- Delinquent, adjudicated, court placement, care payment, provisions, SB 553, \*Sub SB 553 VETOED.
- Felony, drug offenses, fingerprinting, photographing, authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.
- Firearms, under 14, supervised, use permitted, \*SB 141, CH. 34.
- Indigent, delinquent, court counsel, state provision, SB 57.
- Motor vehicle cases, juvenile court, no jurisdiction, SB 117.
- Operators, minor violations, court jurisdiction, incarceration facility, provision, SB 436(a).

**KALAMA:**

- Harbor, Columbia river, lines relocation, authorized, SB 161, \*HB 200, CH. 158 EX.

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- Vice president pro tempore, nominated, elected, oath of office administered ..... pp. 6-7

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## KIDNEY CENTERS:

Local, state support, appropriation, \*Sub HB 151, CH. 275 EX. PV.

## KING COUNTY:

Tidelands, Ballard tidelands area, community college board, state conveyance, \*SB 82, CH. 241 EX.

## KING, MARTIN LUTHER:

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## KINSWA, IKE:

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## KINTNER, DR. ROBERT K.:

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## KLINE, CRAIG:

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## KOSS, DR. GEORGE:

Aeronautics commission, member, appointment, GA 8 . . . . . p. 97

## LABELS:

Electric, safe inspection wiring, fee schedule revised, administrative cost basis, SB 597.  
 Fees increased, SB 355, \*Sub HB 562, CH. 129 EX.  
 Manufacturers, title only, SB 740.  
 Prescription drugs, medicine name, dosage, labeling provision, \*SB 454, CH. 99 EX.  
 Soaps, detergents, phosphorus content, regulation, SB 356.  
 Tapes, recordings, retail sale, manufacturer's identification requirement, \*SB 658, CH.  
 113 EX.

## LABOR:

Agricultural, labor relations, act, HB 550, SB 445.  
 Collective bargaining, public employees, new agreements, effective date provisions, \*HB  
 1075, CH. 187 EX.  
 Firemen, civil service removal, suspension, union activity reasons, hearing procedures, SB  
 421.  
 Labor relations act, enacted, SB 371.  
 Lockouts, picket lines, unemployment compensation benefits, eligibility, SB 702.  
 State employees, 4 days, 10 hour day work week, study, SCR 25.  
 Unions, member transfers, compensation, fringe benefit funds, transfer provisions, SB  
 572.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## LABOR AND INDUSTRIES:

- Accident prevention, industrial insurance, incentives, protective premium formula, building industry, dividend returns, \*SB 472, CH. 274 EX.
- Agricultural labor relations act, administration, HB 550.
- Apprenticeship council, created, SB 509.
- Appropriations, agricultural labor relations act, administration, HB 550.
- Asbestos, use, manufacturing, construction, regulation, HB 927.
- Department, contract compliance officer, hospital construction, discriminatory practices, review, investigation, provisions, Sub HB 946.
  - Law enforcement officers, volunteer firemen, killed on duty, life insurance, provisions, SB 27, Sub SB 27.
  - Plumbers, licensing, regulation, SB 254, Sub SB 397.
  - Powers, duties, transferred to workmen's compensation department, \*HB 735, CH. 289 EX. PV.
- Electric wiring, safe inspection labels, fee schedule increased, administrative cost basis, SB 597.
  - Fees increased, SB 355, \*Sub HB 562, CH. 129 EX.
- Elevator inspection, division of safety, administration, SB 61, \*HB 320, CH. 66.
- Gas piping and gas appliance installation contractors, licensing, regulation, SB 451.
- Hospital construction contracts, discriminatory practice prevention, reviews, Sub HB 946.
- Industrial insurance, general revisions, SB 686, SB 701, \*HB 735, CH. 289 EX. PV.
- Mediation services, fee schedule provision, SB 694.
- Nurses, registered, practical, collective bargaining, provisions, SB 415.
- Pressure systems safety act, enacted, SB 416, Sub SB 416.
- Public employees, collective bargaining, general revisions, SB 429.
- Regulations, state, departmental, adoption by reference, counties, prohibited, \*SB 865, CH. 117 EX.
- Roads, county, certain small projects, day labor, use authorized, SB 497.
- Underground wiring, new installation, platted property, requirements, SB 275.
  - Workers, working alone, prohibited, SB 504.
- Workmen's compensation, fire fighters, law enforcement officers, coverage included, SB 687.
  - Injuries, death, third party contractor negligence, right of action, HB 538.
  - Private, state, self-insurer, coverage insurance, \*HB 735, CH. 289 EX. PV.
  - Retail clerks, coverage, SB 260.

## LAKE VANCOUVER:

- Highway, industrial route, completion, SB 306.

## LAKES:

- Crawfish, commercial fishing, prohibited, \*SB 335, CH. 106 EX.
- Ground water, public, defined, small withdrawal provisions, SB 571.

## LAND: (see also Public Lands)

- Data bank, information assembly, use goals, policies, development, pilot project provision, \*HB 865, CH. 287 EX. PV.
- Forest, growing, harvesting timber, reclassified, tax purposes, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Indian land, state zoning powers relinquished, SB 774.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LAND—Continued:

- Planning, state, commission created, powers, duties, \*HB 865, CH. 287 EX. PV.
- Public works, condemnations, displacees, uniform relocation program, compensation, provisions, SB 770, \*Sub SB 770, CH. 240 EX.
- Reforestation, yield, acreage taxes, increased, \*Sub SB 897, CH. 299 EX. PV.
- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- Right of entry, natural resources department employees, property examinations, surveys, provision, SB 340, \*HB 300, CH. 49 EX.
- Spokane, state building, acquisition, financing, leasing, provisions, \*SB 739, CH. 3 EX.
- State, building authority, leasing, higher education construction purposes, authorized, \*SB 88, CH. 31.
  - 75 year leases, higher education construction purposes, authorized, \*SB 918, CH. 23 EX.
- Use, data bank, design expansion, natural resources department, provision, \*SB 314, CH. 234 EX.
  - Banks, state-wide, development, \*HB 865, CH. 287 EX. PV.
  - Information banks, state-wide, development, pilot project provision, \*HB 865, CH. 287 EX. PV.
  - Management, long-range, comprehensive policy, SB 830, \*HB 865, CH. 287 EX. PV.
  - Model code, preparation, \*HB 865, CH. 287 EX. PV.
  - Planning, development, laws, codes, study provision, \*HB 865, CH. 287 EX. PV.
  - Transportation system, title only, SB 882.

## LANDLORD AND TENANT:

- Laws, legislative council study, HCR 23.
- Rent, default, real property, \$200 or less, summons, complaint provisions, amount increased, SB 453.
- Residential landlord-tenant act, SB 591.

## LANDON, L. EVERT:

- Community college education board, member, appointment, confirmation, \*\*GA 9 . . . . . pp. 98, 1620, 1779.

## LANGUAGES:

- Interpreters, legal proceedings, non-English speaking individuals, provision, SB 470, Sub SB 470.

## LARCENY:

- Check, grand larceny, HB 244.

## LAUNDRIES:

- Coin operated, sales tax, excluded, SB 492.

## LAW ENFORCEMENT OFFICERS:

- Cigarettes, contraband, inspection, seizure provisions, HB 930.
- City chiefs of police, civil service exempt, SB 342.
- Drug agents, special, extraterritorial jurisdiction, \*Sub SB 441, CH. 302 EX. PV.
- Emergencies, other municipalities, assistance, arrest powers, SB 781.
- Employment, minimum medical health standards, retirement system coverage, established, SB 354, \*Sub SB 354, CH. 257 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LAW ENFORCEMENT OFFICERS—Continued:

- Firearms, officers, use, limitations, SB 462.
- Motor vehicles, junk, abandoned, inspection disposal, authorization provisions, \*SB 606, CH. 111 EX.
- Retired, non-service injury, sickness benefits, medical plan coverage limitation, SB 688.
- Service completion, non-medical plan benefits, coverage, removed, SB 689.
- Retirement system, duties transferred, finance and business regulation department, SB 711.
- General revisions, SB 186, SB 204, \*Sub SB 354, CH. 257 EX.
- State administrative costs, local government apportionment, \*HB 210, CH. 216 EX.
- Service credits, prior employment, retirement purposes, SB 204, SB 353.
- Training facility, establishment, SB 643.
- Workmen's compensation coverage, included, SB 687.

## LAWTON, RICHARD E.:

- Clark community college, trustee board member, appointment, confirmation, \*\*GA 46 . . . . . pp. 103, 900, 1301

## LEASES:

- Harbor areas, governmental agencies, natural resources department, management fee determination, SB 147, Sub SB 147.
- Lands, state, building authority, higher education construction purposes, authorized, \*SB 88, CH. 31.
- Purposes, 75 years, authorized, \*SB 918, CH. 23 EX.
- Leasehold estates, public, taxes, absorption, lease modification provisions, \*HB 493, CH. 43 EX.
- Rentals, certain consideration, deductions, SB 331, \*HB 493, CH. 43 EX.
- Motor vehicles, trailers, leased, rented, nonresident interstate operations, passengers, property transportation, excise tax exempt, SB 352, \*Sub SB 352, CH. 11 EX.
- Parks, state, concessions, alterations, amending, provisions, SB 789.
- Property, personal, written lease, failure to return, crime, \*HB 234, CH. 61.
- Public, real, personal, intergovernmental, authorized, SB 392.
- Public grant lands, sales, leases, school site use, provisions, \*HB 464, CH. 200 EX.
- School buses, governmental agency emergencies, authorized, SB 46, \*HB 75, CH. 24.
- Handicapped children transport, authorized, \*HB 322, CH. 78.
- School lands, state, park use, cities, towns, provisions, \*SB 288, CH. 246 EX.

## LEAVES:

- Sabbaticals, colleges, universities, faculties, certain number, authorized, \*Sub HB 151, CH. 275 EX. PV.
- School districts, employees, certain number, authorized, \*Sub HB 151, CH. 275 EX. PV.
- State employees, not permitted, certain exceptions, authorized, \*Sub HB 151, CH. 275 EX. PV.

## LECTURERS AND SPEAKERS:

- Community colleges, speakers, from outside Washington state, payment, tuition fees use, prohibited, SB 383(a).

## LEGAL SERVICES:

- Group, prepaid, authorized, SB 846.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LEGISLATIVE BUDGET COMMITTEE:

- Appropriations, procedures, other states, review, study, HCR 28.
- Colleges, universities, student enrollments, determining, reporting, review provisions, \*Sub HB 151, CH. 275 EX. PV.
- Community college, operational, capital costs, review, report, \*SCR 5.
- Data processing services, appropriation, \*SB 171, CH. 2.
- General fund expenditures, elected officials, common school education agency, reduction authority, SB 570.
- Public educational agencies, reduction authority, \*SB 559, CH. 263 EX.
- Interim employees, employment, salary, approval provisions, HB 198.
- Management surveys, authorized, SB 423, \*Sub HB 545, CH. 170 EX.
- Public services, state, local, funding, study, HCR 11.
- Receipts, unanticipated, federal, other sources, expenditure, authorization provision, \*Sub HB 151, CH. 275 EX. PV.
- Retirement systems, state, funding, alternative methods, study, \*HCR 41, \*Sub HB 151, CH. 275 EX. PV.
- Services, personal, state, contracts, filing required, \*Sub HB 151, CH. 275 EX. PV.
- State employees, 4 day, 10 hour day work week, study, SCR 25.
- State patrol, financing, methods, review, \*SB 124, CH. 91 EX.

## LEGISLATIVE COUNCIL:

- Administrative rules, procedures, agency filing, review purposes, HB 1085.
- Appropriations, procedures, other states, review, study, HCR 28.
- Clams, personal use license, study, HCR 33.
- Interim employees, employment, salary, approval provisions, HB 198.
- Landlord-tenant laws, study, HCR 23.
- Libraries, state-wide public library service, systems, study, \*HCR 20.
- Redistricting, special committee, created, duties, HCR 43.
- State agencies, rules, biennial review required, SB 543.
- Municipal committee, created, membership, duties, SB 682.
- Municipal temporary committee, created, membership, duties, \*SCR 29.
- Ombudsman, selection, appointment provisions, SB 167.
- Organized, first extraordinary session, notification to governor, \*HCR 26.
- Notification to governor, \*HCR 2.
- Records, public, personal, preservation, state archives, preservation provisions, SB 90, \*Sub SB 90, CH. 102 EX.
- Redistricted, provisions, SB 928(a).
- Reapportioned, HB 747(a).
- Title only, HB 747, SB 928, SB 929, SB 930.
- Redistricting, problems, interim work, expenses, appropriation, \*Sub SB 926, CH. 301 EX. PV.
- Special committee, legislative council, created, duties, HCR 43.
- Taxes, exemptions, exclusions, decennial review, \*HJR 1.

## LEGISLATIVE DISTRICTS:

- Political parties, caucuses, conventions, meetings, regulation, Sub HB 440, SB 395.
- Redistricted, reapportioned, HB 747(a).
- Title only, HB 747, SB 928, SB 929, SB 930.
- Redistricting, reapportionment, title only, HB 747.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

LEGISLATORS: (see Individual Member)

- Deceased, memorial services, \*HCR 6.
- Recall, proceedings, signature filings, time limitation, provisions, \*Sub HB 214, CH. 205 EX.
- Records, public, private, preservation, state archives, preservation provisions, SB 90, \*Sub SB 90, CH. 102 EX.
- Retirement, public employees' system, membership authorized, \*SB 522, CH. 271 EX.

LEGISLATURE:

- Adjournment sine die, first extraordinary session, notification to Governor, \*HCR 44.
- Notification to governor, \*HCR 25.
- Administrative procedures act, non-emergency rules, legislative approval required, SB 657.
- Annual sessions, 90/30 days, HJR 34.
- 90/60 days, HJR 34(a).
- Appropriation, extraordinary session, operation, cost, expenses, \*SB 879, CH. 14 EX.
- Operation, cost, expenses, \*SB 171, CH. 2.
- Banking, insurance, utility regulation, joint interim committee established, duties, \*SCR 32.
- Bills, consideration, limitation, \*SCR 17.
- Extraordinary session, HCR 31.
- Special, Senate Bill 88, Sec. 1, permitted, error correction purposes, \*SCR 24.
- Time extended, \*HCR 24.
- Bills, regular session, first extraordinary session introduction, \*SCR 19.
- Retransmitted, retained by house of origin, \*SCR 17.
- Capen, Richard G., address, joint session, \*HCR 5.
- Citizens-legislative task force, established, capital improvements, state bond issues, program study, HB 778.
- Extraordinary sessions, legislative, specific purpose, convene selves, authority, Sub SJR 13.
- Forest tax temporary continued, \*SCR 9.
- Joint rules, amended, adopted, \*SCR 13.
- Regular session, first extraordinary session introduction, \*SCR 19.
- Joint session, governor's budget message, \*HCR 3.
- Governor's state of the state message, \*HCR 3.
- Legislative municipal committee, created, title only, SB 682.
- Lobbyists, registration, fees, general revisions, Sub HB 457.
- Lotteries, legislative, initiative, referendum vote provisions, \*SJR 5.
- Members, recall proceedings, signature filings, time limitation, provisions, \*Sub HB 214, CH. 205 EX.
- Spokane, state building, construction, financing, provisions, \*SB 739, CH. 3 EX.
- Tidelands, shorelands, certain, state, leases only, provisions, SB 178.
- Sale, lease provisions, SB 112, \*HB 40, CH. 217 EX.
- Washington state university, public lands, certain, sales, leases, authorized, \*HB 391, CH. 228 EX.

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- Protest, failure SFR 39 . . . . . pp. 782-783

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## LIABILITY:

- Blood, transfusions, warranties, liability, immunity provision, \*HB 157, CH. 56.
- Withdrawal, intoxication test purposes, motor vehicle implied consent, HB 239.
- Cities, towns, counties, budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 552.
- Civil actions, comparative negligence, distribution loss provisions, SB 255.
- Defense activities, emergency service, property damage, personal injury, provisions, \*SB 56, CH. 8 EX.
- Demonstration cities act, city participation, fiscal liability, limitation provision, SB 773, \*HB 430, CH. 177 EX.
- Emergency care, physicians, hospitals, limitation, SB 227.
- Surgical, hospital, without consent, liability, provisions, \*SB 188, CH. 305 EX. PV.
- Health planning regional agencies, advisory council, members, official acts, exempt, SB 638, \*Sub HB 553, CH. 198 EX.
- Insurance, motor vehicles, cancellation provisions, SB 598.
- Medical malpractice, statute of limitations, provisions, \*HB 720, CH. 80.
- Metropolitan development act, city participation, liability limitation, provisions, SB 773(a), \*HB 430, CH. 177 EX.
- Physicians, hospitals, emergency care, limitation, SB 227.
- School district budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 551, \*SB 168, CH. 93 EX.
- Trucks, overload violations, person controlling loading, equal liability, \*HB 644, CH. 148 EX.

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- Support, court filing fees increased, SB 251.
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- Public service, systems, state-wide, legislative council study, \*HCR 20.

## LICENSES:

- Airports, aeronautics commission, issuance, HB 121.
- All-terrain, snowmobiles, issuance, operation, regulations, \*SB 156, CH. 29 EX.
- Vehicles; registration, provisions, \*Sub SB 372, CH. 47 EX.
- Business, professions, certain, fees increased, SB 51, \*Sub SB 51, CH. 266 EX.
- Campers, issuance, regulations, HB 112, \*Sub SB 897, CH. 299 EX. PV.
- Vehicle mounted, registration, number plates, provisions, \*Sub HB 69, CH. 231 EX.
- Charter boats, fishing, passenger license required, SB 907.
- Chiropractors, national board examination, state acceptance, \*Sub HB 379, CH. 227 EX.
- Collection agencies, regulation, SB 796, \*Sub SB 796, CH. 253 EX.
- Commercial feed lots, cattle, issuance, provisions, SB 725, \*HB 676, CH. 181 EX.
- Corporations, domestic, foreign, filing fees, surtax imposed, \*SB 738, CH. 2 EX.
- Driver analysts, professional, licensing, regulation, SB 874.
- Electrologists, regulation, SB 709.
- Employment agencies, regulation, general revisions, SB 548.
- Escrow agents, regulations, general revisions, SB 216, \*Sub SB 216, CH. 245 EX.
- Farm trucks, forestry product transportation, gross weight fee, special rate inclusion, SB 899.
- Festivals, outdoor music, permits, regulation, SB 411.
- Fish farming, aquaculture, authorized, SB 142, \*Sub SB 142, CH. 35.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LICENSES—Continued:

- Fishing, commercial, charter boats, issuance, Sub HB 781, SB 417, \*HB 687, CH. 283 EX. PV.
  - Other than salmon, delivery permits, gear, fees, provisions, \*HB 687, CH. 283 EX. PV.
  - Personal, established, Sub HB 781, SB 544, \*HB 687, CH. 283 EX. PV.
  - Salmon, personal use, salt water, required, HB 378.
- Fuel, special, dealers, users, requirement, \*Sub HB 247, CH. 175 EX.
- Gambling, regulation, SB 119.
- Game farmers, licensing provisions, SB 817.
- Gas piping and gas appliance installation contractors, SB 451.
- Hearing aid dealers, consultants, sales, regulation, SB 586.
- Horse racing, meet participation, annual fee, increased, HB 308(a).
  - Racing commission establishment, HB 308.
- Horticultural plants, grading, inspection, sales, regulations, \*SB 410, CH. 33 EX. PV.
- Hospitals, boarding, nursing homes, license expiration dates, provisions, \*SB 295, CH. 247 EX.
  - Nursing homes, boarding homes, fees increased, SB 767.
- Hotels, motels, licensing, regulation, HB 869, \*SB 170, CH. 239 EX.
- Hulk haulers, SB 53, \*SB 605, CH. 110 EX.
- Installment loan companies, regulation, SB 766.
- Issuance, motor vehicle, certain business, professional, duration, two year periods, authorized, \*HB 57, CH. 52.
- Liquor, class C, F, H licenses, 15% wine discount, entitlement, SB 719.
  - Class H, civic centers, issuance provisions, SB 490, \*HB 876, CH. 208 EX.
  - Discriminatory, exclusionary organizations, issuance prohibited, SB 461.
  - Minor employees, serving, selling, permitted, HB 875.
  - Class X established, dance halls, set-up service permitted, SB 555.
  - Licensed premises, gambling activities, communication facilities removal, mandatory suspension, SB 832.
  - Transfers, licensee residence requirements, transfer fees, revisions, \*HB 267, CH. 70.
- Manicurists, regulations, SB 347.
- Massage business, regulation, SB 385.
- Meat, custom facilities, licensing, regulation, SB 446, \*Sub SB 446, CH. 98 EX.
- Milk dealers, regulations, \*HB 52, CH. 230 EX.
- Mobile homes, identification tags, in lieu license plates, issuance, \*Sub HB 69, CH. 231 EX.
- Motor vehicle dealers, certificates, certain cities, police issuance provisions, \*HB 77, CH. 74 EX.
  - License, renewals, fees increased, \*HB 77, CH. 74 EX.
  - License plates, use, sales purposes only, \*HB 77, CH. 74 EX.
  - Salesmen, renewal dates, \*HB 77, CH. 74 EX.
- Motor vehicle operators, all, classified vehicles, required, \*HB 53, CH. 126 EX.
  - Denials, suspensions, administrative procedures act, exempt, \*HB 55, CH. 21.
  - Fees, use, state patrol highway account, abolished, reallocated, \*SB 124, CH. 91 EX.
  - Financial responsibility suspension, occupational denial, SB 81.
  - Information, release, restricted, SB 155.
  - Liability insurance cancellation provisions, SB 598.
  - Occupational, issuance provisions, SB 64, \*Sub HB 321, CH. 284 EX. PV.
  - Parolees, certain, temporary issuance, SB 582.
  - Previous record, availability, criminal prosecutions, SB 633.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LICENSES—Continued:

- Suspended, driving penalties increased, SB 76.
- Motor vehicle wreckers, denials, revocations, departmental order provisions, \*SB 49, CH. 7 EX.
- Motor vehicles, certain disabled veterans, issuance, free, \*HB 1072, CH. 193 EX.
- Excise, fees, blind persons, exempt, SB 887.
- Habitual traffic offenders, penalties, procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.
- Issuance duration, two-year periods, authorized, \*HB 57, CH. 52.
- Financial responsibility, proof required, SB 620.
- Mobile home, travel trailers, destroyed, excise tax, license fee, refund provisions, HB 1082.
- Ownership transfers, assignments, oath provisions, SB 630.
- Pre-1931 manufacture, special plates, issuance, \*SB 720, CH. 114 EX.
- Repair service dealer, mechanics, certificate, issuance, SB 105, Sub SB 105.
- Special, personalized, authorized, \*SB 720, CH. 114 EX.
- Municipal, fee revenue, special purpose, fund, allocation, obligation, provision, \*HB 622, CH. 223 EX.
- Naturopaths, regulation, SB 494, Sub SB 494.
- Nurses, practical, duties, regulation, \*HB 405, CH. 68.
- Nursing home administrators, fee reduced, SB 516.
- Operators, nonresident, summons service, fee increased, HB 227.
- Osteopathic physicians assistants, licensing, \*SB 182, CH. 30 EX.
- Osteopaths, national board examination, state acceptance, \*Sub HB 379, CH. 227 EX.
- Pharmacy board, fees increased, \*HB 411, CH. 201 EX.
- Physicians' assistants, licensing, \*SB 182, CH. 30 EX.
- Pistol, concealed, application, fingerprint requirement provisions, SB 430, \*Sub SB 441, CH. 302 EX. PV.
- Fee increased, SB 48, SB 430, \*Sub SB 441, CH. 302 EX. PV.
- Plumbers, certification, regulation, SB 254, SB 397, Sub SB 397.
- Professional, issuance duration, 2 year periods, authorized, \*HB 57, CH. 52.
- Real property assessors, examination, \*HB 166, CH. 27 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- Salmon, commercial fishing, number issued, decrease, HB 323.
- Provisions, revised, fee increased, \*HB 687, CH. 283 EX. PV.
- Delivery permits, commercially licensed fishing boats, issuance, SB 417.
- Scrap processors, hulk haulers, operations, provisions, \*SB 605, CH. 110 EX.
- Snowmobiles, all-terrain vehicles, issuance, operation, regulations, \*SB 156, CH. 29 EX.
- Trucks, operators, interstate, national licensing regulations, abandonment petitioned, \*SJM 16.
- Vessel pilots, services, performance, investigation, hearings, provisions, \*SB 465, CH. 297 EX. PV.
- Waste treatment plant operations, licensing, HB 324.
- Water well contractors, operators, regulation, \*HB 495, CH. 212 EX.

## LIENS:

- Child support, debt, public assistance lien permitted, \*Sub HB 257, CH. 164 EX.
- Contractors, subcontractors, registered, certificated, owner's agent, provisions, HB 564, \*SB 183, CH. 94 EX.
- LID assessments, payment deferrals, imposition provision, SB 589, SB 760.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**LIENS—Continued:**

- Local improvement districts, assessments, economically disadvantaged, deferral, payment provisions, HB 1070(a).
- Formation, prior real property assessments, continuation provision, \*SB 863, CH. 116 EX.
- Mechanics', materialmen's, claimants' address, requirement, \*SB 183, CH. 94 EX.
- Materials, equipment, priority extension provisions, SB 393.
- Property, real, taxes, governmental acquisition, pro rata allocation, provisions, \*SB 144, CH. 260 EX.
- Public assistance, medical aid, attorney fees, proportioned share, SB 114.
- Public assistance recipients, injured, departmental aid, recovery awards, lien, \*SB 179, CH. 306 EX. PV.
- Workmen's compensation, time loss payments, departmental lien, Sub HB 314.
- Public improvements, contract amounts, retained percentage tax lien priority, increased to \$20,000, \*Sub SB 897, CH. 299 EX. PV.
- Solid waste collection districts, unpaid fees, collection procedures, property lien provision, \*SB 52, CH. 293 EX. PV.
- Taxes, real property, payment deferrals, certain retired, disabled persons, provisions, SB 603.

**LIEUTENANT GOVERNOR:** (see President of the Senate, also John A. Cherberg)

- Public employees' retirement board, member, SB 320.

**LIGHTS:**

- Motor vehicle, warning, trucks, buses, two reflector elements, requirement removed, \*SB 369, CH. 97 EX.
- Strobe, school buses, warning device use permitted, SB 278.

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- Class H licenses, discriminatory, exclusionary organizations, issuance prohibited, SB 461.
- Dance halls, set-up service permitted, special class X liquor license, established, SB 555.
- Election days, liquor sale prohibition removed, \*SB 612, CH. 112 EX.
- Entertainment, liquor retailer's premises, permission, concurrent jurisdiction, SB 166.
- Liquor, class H, civic centers, issuance provisions, SB 490, \*HB 876, CH. 208 EX.
- Liquor premises, licensed, gambling activities, communication facilities removal, license suspension mandatory, SB 832.
- Records, certain, revenue department agents, inspection authorized, SB 165.
- Regulations, filing, code revisor's office, \*HB 266, CH. 62.
- Wine, classified, commercial, premium, sale provisions, SB 726.

**LISTS:**

- Motor vehicle owners, operators, sale prohibited, SB 155.
- Records, information, departmental release authority, limitations, SB 155.

**LITTER:**

- Assessment, manufacturers, retailers, imposition, use, provisions, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Beverage container control, return, recycling, SB 513.
- Control act, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Game protectors, litterers, arrest powers, \*HB 113, CH. 173 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## LITTER—Continued:

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## LOANS:

Collateral, consumer goods, security interest, deficiency judgments, eliminated, SB 475.  
Credit card plans, small loan company regulations, exempt, \*HB 660, CH. 37 EX.

Housing, low-cost, environmental improvements, mutual banks, high degree risk loans, authorized, SB 316.

Mutual savings banks, investments, SB 316.

Installment, companies, licenses, regulation, SB 766.

State credit, public purposes, authorized, SJR 22.

Students, higher education, state program, established, SB 840.

## LOBBYISTS AND LOBBYING:

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State employees, salary, benefits, prohibited, SB 23.

## LOCAL IMPROVEMENT DISTRICTS:

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Payment deferrals, relief, certain individuals, SB 589, SB 760.

Property owners, economically disadvantaged, payment deferral, provisions, HB 1070(a).

Bonds, projects, deposit, return, provisions, HB 1070.

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Formation, assessments, expenses, bonds, general revisions, \*SB 863, CH. 116 EX.

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## LOCKER ROOMS:

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## LOG PATROL:

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## LOGS:

Trucks, tractors, log tolerance permits, city issuance provisions, \*SB 450, CH. 249 EX.

## LOTTERIES:

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Urie, Herbert C., trustee board member, appointment, confirmation,

\*\*GA 66 . . . . . pp. 1020, 1084, 1304

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

LOWER GRANITE DAM:

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LUNDBERG, DR. DAVID:

Highline community college, trustee board member, appointment,  
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McCURDY, JAMES G.:

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McCUTCHEON, SENATOR JOHN T.:

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MAMMALS:

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
\*\*Appointment confirmed.  
GA—Gubernatorial Appointment.  
SFR—Senate Floor Resolution.  
(a)—Amendment to original bill.

**MANUFACTURERS AND MANUFACTURING:**

- Asbestos use, regulation, HB 927.
- B&O, credits, eligible investment projects, factory improvements, SB 693.
  - Manufacturers, major plant improvements, SB 292, SB 693.
- Incendiary devices, possession, manufacture, use, crime, SB 432, \*Sub SB 441, CH. 302 EX. PV.
- Labels, title only, SB 740.
- Nuclear fuel assemblies, B&O tax imposed, \*HB 888, CH. 186 EX.
- Tapes, records, manufacturer's identification requirement, \*SB 658, CH. 113 EX.

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**MARCHES:**

- Official State of Washington, designated, SB 716.

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- Personal privilege, N&K reactors . . . . . p. 180
- Question of consideration, SB 485 . . . . . p. 797
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**MARRIAGE:**

- Blood test, license prerequisite, SB 31.
- Dissolution, divorce decree, modification complaint, superior court scrutiny, SB 870.
- Family court, proceedings, spouses, outside specialist aid, expense provisions, SB 527, \*HB 694, CH. 151 EX.
- Marriage, divorce, uniform act, title only, SB 827.
- Uniform marriage, divorce act, SB 576.
- Waiting period, nonresidents, servicemen, waiver provisions, SB 206.
- Women, maiden names, use subsequent to marriage, provision, SB 503.

**MASON COUNTY:**

- Cemetery district, state forest land, one acre, deed, authorized, \*SB 858, CH. 90 EX.

**MASS TRANSIT: (see also Transportation, also Transit Systems)**

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- Licensing, regulation, SB 385.

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- Green River community college, trustee, board member,
  - appointment, confirmation, \*\*GA 64 . . . . . p. 1020, 1085, 1304

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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## MAYFIELD LAKE STATE PARK:

- Renamed, Ike Kinswa state park recreation area, \*HB 50, CH. 50.

## MEAT AND MEAT PRODUCTS:

- Bacon packaging, standards, \*HB 41, CH. 49.  
 Beef, assessments, cattle to be slaughtered, collection provisions, \*HB 509, CH. 64.  
 Consumer services, agriculture department, renamed, HB 1116, SB 495.  
 Custom meat facilities, licensing, regulation, SB 446, \*Sub 446, CH. 98 EX.  
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## MECHANICS AND MATERIALMEN:

- Liens, certificated, registered contractors, subcontractors, owner's agent, provisions, HB 564, \*SB 183, CH. 94 EX.  
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## MEDICAL SERVICE CORPORATION:

- Created, title only, SB 695.

## MEDICINE:

- Ambulances, emergency services, inspection, regulation, SB 113.  
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 Contraceptives, prohibition removed, \*HB 853, CH. 185 EX.  
 Drugs, dangerous, possession, health professions, duty purposes only, HB 11.  
 Emergency care, physician, hospital, liability limitation, SB 227.  
     Surgical, hospital, without consent, liability, provisions, \*SB 188, CH. 305 EX. PV.  
     Without fee, liability limitation, SB 227(a).  
 Health care corporations, nonprofit, formation, operation, authorized, SB 618.  
 Incompetency, misconduct charges, fellow professionals, immunity from suit, \*HB 351, CH. 144 EX.  
 Malpractice actions, statute of limitations, provision, \*HB 720, CH. 80.  
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 Paramedics, trained mobile intensive care, emergency service, use authorized, \*SB 188, CH. 305 EX. PV.  
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 Physicians, assistants, licensing, \*SB 182, CH. 30 EX.  
 Police, firemen, certain medical benefits, retirement fund system payment provision, SB 820.  
     Sheriffs, applicants, standard medical entrance requirements, SB 234.  
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     Medicine name, dosage, labeling provision, \*SB 454, CH. 99 EX.  
     Sales tax exempt, income tax imposed, tax reform act, SB 924.  
 Prescription, security cap, safety standards, compliance provision, \*SB 454, CH. 99 EX.  
 Prophylactic vendors, law, repealed, SB 768.  
 Public assistance, medical aid liens, attorney fees, proportioned share, SB 114.  
 Students, school, disease, sight, hearing, health measures, precautionary procedures, standards, \*SB 103, CH. 32.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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Fish, anadromous, high seas control, conservation, foreign agreements, petitioned, SJM 14.

Fisheries, coastal, jurisdiction extension, petitioned, \*SJM 1.

Off shore, west coast, foreign agreements, moratorium, review, petitioned, HJM 16.

Fort Lawton, Seattle acquisition, city park purposes, petitioned, HJM 14.

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Railroad cars, reflective markings, petitioned, \*HJM 3.

Rail system, basic, pacific northwest inclusion, petitioned, HJM 8, SJM 3.

Scientists, engineers, employment, special public corporation, petitioned, HJM 21.

SST program, decision to halt, congressional reconsideration petitioned, HJM 22.

Television, radio, major party candidates only, equal time, petitioned, HJM 6.

Trucks, operators, interstate, national licensing regulations, abandonment petitioned, \*SJM 16.

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Welfare programs, federal government funding, requested, \*SJM 5.

MENTALLY ILL AND RETARDED: (see also Handicapped)

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County hospitals, detention, observation, cost recovery, SB 157.

Hospitals, nursing homes, private establishment, license, psychiatric patients, provisions, SB 511.

Mental health, county funds, state transfer, federal matching purposes, \*HB 707, CH. 84 EX.

Parental successors, nonprofit charitable corporation, appointment authorized, HB 782.

Public assistance recipients, institutionalized mental patients, eligibility limitation deleted, \*HB 416, CH. 169 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**MENTALLY ILL AND RETARDED—Continued:**

- Schools, state, residential, students, personal funds, reduction, program qualification purposes, SB 866, \*Sub SB 866, CH. 118 EX.
- State hospitals, patients, personal funds, reduction, program qualification purposes, SB 157, \*Sub SB 157, CH. 82.
- Schools, hospitals, residential, individuals, personal funds, reduction, program qualification purposes, SB 647.

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- Business, corporations, share, cash, property conversions, provisions, \*SB 564, CH. 38 EX.
- Cooperative associations, corporations, provisions, \*HB 800, CH. 221 EX.
- Natural gas companies, pre-1960, anti-trust laws exemption, petitioned, \*SJM 17.
- Sewer, water districts, permitted, \*HB 567, CH. 146 EX.

**METALS:**

- Dealers, sales record requirements, HB 412.
- Manufacturing plants, under construction, tax credit, provision, \*Sub SB 897, CH. 299 EX. PV.
- Purchases, certain metals, permanent record, required, \*Sub SB 441, CH. 302 EX. PV.

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- Conservation futures, open space land, purchases, provisions, HB 586, \*SB 185, CH. 243 EX.
- Metropolitan development act, city participation, liability limitation, provisions, SB 773(a), \*HB 430, CH. 177 EX.
- Municipal corporations, councils, additional members, provisions, \*SB 690, CH. 303 EX. PV.
  - General revisions, \*SB 690, CH. 303 EX. PV.
  - Port districts, class AA, home rule counties, duties, assumption authorized, SB 776.
  - Transportation systems, existing facilities, acquisition, purchase provisions, \*SB 690, CH. 303 EX. PV.
- Public works, local, advance planning, provisions, HB 680.
- Transit system, buses, private carriers, schools, leases authorized, \*SB 690, CH. 303 EX. PV.
  - Operation, provisions, \*SB 690, CH. 303 EX. PV.
  - Public, financing, local excise tax authorized, \*SB 691, CH. 296 EX. PV.

**MEXICAN—AMERICAN AFFAIRS:**

- Commission, created, duties, \*SB 394, CH. 34 EX.

**MEXICAN AMERICANS:**

- Employment, state, population ratio basis, preference provisions, \*Sub HB 151, CH. 275 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

MEYERS, VICTOR A.:

Former lieutenant governor, secretary of state, introduced . . . . . p. 1177

MILITARY: (see also Veterans)

Identification cards, active duty, liquor purchase purposes, acceptance, \*SB 163, CH. 15 EX.

Marriages, servicemen, nonresidents, waiting period, waiver provisions, SB 206.

Veterans' pensions, renumeration, unemployment compensation purposes, excluded, SB 864.

Veterans, preference, layoffs, reemployment, seniority, credit computation, SB 566.

MILK:

Pooling act, production, marketing, regulation, \*HB 52, CH. 230 EX.

MINERALS:

Agate, state gem, designation, HB 386.

Petrified wood, state rock, designation, HB 386.

MINORITIES:

Community mental health program, board membership provision, \*HB 277, CH. 204 EX.

Employment, state, population ratio basis, preference provisions, \*Sub HB 151, CH. 275 EX. PV.

Mexican-American affairs commission, created, \*SB 394, CH. 34 EX.

Newspapers, constitutional amendments, state debts, publication provision, HB 259.

MINORS: (see also Youth)

Abused, photographs, documentary evidence purposes, authorized, SB 440, \*Sub SB 441, CH. 302 EX. PV.

Blind, assistance applicants, age requirements deleted, \*HB 416, CH. 169 EX.

Child support, education, divorce cases, over age 18, not required, SB 905.

Social and health services department, enforcement services, \*HB 451, CH. 213 EX.

Children, placement, interstate compact, enactment, \*HB 414, CH. 168 EX.

Class H licensee, employees, serving, selling, permitted, HB 875.

Drug, alcoholic abuse care, without parental consent authorized, \*SB 273, CH. 304 EX. PV.

Eighteen year olds, legal majority, certain purposes, provisions, HJR 30(a), SB 375, \*Sub HB 309, CH. 292 EX. PV.

Felony, crime, fingerprinting, photographing, authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.

Firearms, under 14, supervised, use permitted, \*SB 141, CH. 34.

Indigents, delinquent, incorrigible, court counsel, state payment provisions, Sub HB 176.

Motor vehicle operators, juvenile offenders, minor violations, any court, jurisdiction, SB 436.

Personal funds, public assistance funds, applicable, \*HB 416, CH. 169 EX.

Probate, guardianship appointment, age 18, authorized, \*SB 10, CH. 28.

Sexually oriented material, likelihood of distribution to minors, sale, regulation, SB 573.

Voting age, reduced to 18, HJR 30, HJR 30(a).

MITCHELL, C. J.: Columbia Basin Community College, trustee, board member,

appointment, confirmation, \*\*GA 63 . . . . . pp. 1020, 1085, 1303

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**MOBILE HOMES:**

- Destroyed, excise tax, license fee, refund provisions, HB 1082.
- Excise tax, county share, retention provisions, SB 625.
- Identification tags, in lieu license plates, issuance provisions, \*Sub HB 69, CH. 231 EX.
- Mobile home and recreational vehicle advisory board, additional member, \*HB 597, CH. 82 EX.
- Moving, permit, highway department issuance, provision, \*Sub HB 69, CH. 231 EX.
- Provisions, SB 69(a).
- Taxes, personal property, imposition, \*Sub HB 69, CH. 231 EX.

**MODULAR HOMES:**

- Defined, \*Sub HB 69, CH. 231 EX.

**MONTGOMERY, MRS. GRACE:**

- Mother of the year, 1971, introduced . . . . . p. 753

**MORFORD, DONALD K.:**

- Community college education board, member,
- appointment, confirmation, \*\*GA 9 . . . . . pp. 97, 1544, 1779

**MORTGAGES:**

- Corporations, U.S., securities, bank, trust company investment, authorized, HB 274.
- Foreclosure, sale, redemption period extended, SB 70.
- Industrial project, insurance, regional development authority, payment provisions, SB 700, Sub SB 700.
- Insurance authority, created, SB 33.
- Loans, industrial projects, industrial finance authority, SB 294.
- Puget Sound industry diversification, dispersion insurance authority, SB 33.

**MOTELS:**

- Excise tax, special use, all counties, stadium purposes, imposition authorized, SB 769.
- Licensing, regulation, HB 869, \*SB 170, CH. 239 EX.

**MOTHERS:**

- Children, death, injury, right of action, SB 32.
- Special rights of action, SB 242.

**MOTION PICTURES:**

- Obscene, exhibition, sale, enjoined, SB 318.
- Youth, under 19, X or R ratings, attendance prohibited, SB 140.

**MOTOR HOMES:**

- Defined, \*Sub HB 69, CH. 231 EX.

**MOTOR VEHICLES: (see also Trucks and Tractors)**

- Abandoned, definitions, provisions, revised, SB 53, \*SB 605, CH. 110 EX.
- Removal, reporting, regulation, \*SB 606, CH. 111 EX.
- Accidents, deposit security, property damage amount, minimum increased, SB 50.
- Fatalities, drivers, pedestrians, blood samples required, \*SB 467, CH. 270 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## MOTOR VEHICLES—Continued:

- All-terrain vehicles, registration, use, operation, regulations, \*Sub SB 372, CH. 47 EX.
- Snowmobiles, licensing, regulation, \*SB 156, CH. 29 EX.
- Automobile graveyards, \*SB 735, CH. 101 EX.
- Automotive repair responsibility act, SB 105, Sub SB 105.
- Blind persons, excise license fees, exempted, SB 887.
- Blood, withdrawal, intoxication test, implied consent, liability, HB 239.
- Blue lights, funeral coaches, display, use, provision repealed, \*SB 136, CH. 92 EX.
- Police vehicles, use, regulation, SB 435, \*SB 136, CH. 92 EX.
- Boat transporters, covered vans, fourteen-foot height limitation provision, inclusion, SB 401.
- Fourteen-foot height limitation provision, inclusion, \*Sub SB 401, CH. 248 EX.
- Bumpers, energy absorption systems, equipment required, HB 261, SB 191.
- Buses, school, warning devices, strobe light use permitted, SB 278.
- Campers, mounted, licensing, registration, number plates, provisions, \*Sub HB 69, CH. 231 EX.
- Commercial, driving experience abstracts, insurance use, restricted, SB 256.
- Dealers, license certificates, police issuance, provisions, \*HB 77, CH. 74 EX.
- License plates, use, sales purposes only, \*HB 77, CH. 74 EX.
- Renewals, fees increased, \*HB 77, CH. 74 EX.
- Salesman, licenses, renewal dates, \*HB 77, CH. 74 EX.
- Surety bonds, new schedule, \*HB 77, CH. 74 EX.
- Department, licenses, issuance, motor vehicles, certain business, professional, duration, two-year periods, authorized, \*HB 57, CH. 52.
- Personalized license service, appropriation, \*SB 720, CH. 114 EX.
- Securities, real estate, professional licensing division, duties transferred, finance and business regulation department, SB 711.
- Destroyed, excise tax, license fee, refund provisions, HB 1082.
- Driver analysts, professional, licensing, regulation, SB 874.
- Drug transportation, unlawful, conveyance forfeiture, SB 20, \*2nd Sub SB 146, CH. 308 EX. PV.
- Energy absorption systems, equipment required, HB 261, SB 191.
- Engines, operating, stationary position, time limitation provision, HB 605(a).
- Excise tax, aircraft fuel, extended, SB 676.
- Leased, rented vehicles, nonresident interstate operations, passenger, property transportation, exempted, SB 352, \*Sub SB 352, CH. 11 EX.
- Special, mass transit purposes, population basis formula, distribution, SB 413, \*HB 543, CH. 199 EX.
- Municipalities, effective date extended, SB 194.
- Exhaust, emission, air contaminant, standards, controls, HB 605(a).
- Farm trucks, forestry product transportation, gross weight fee, special rate inclusion, SB 899.
- Ferries, cross-sound, operation, maintenance, fund availability, inquiry, \*HB 659, CH. 149 EX.
- Financial responsibility, deposit security, requirement provision, accident amount, increased to \$200, \*SB 47, CH. 22 EX.
- Requirement, license, issuance, SB 620.
- Firemen, private cars, green light, display use, \*SB 136, CH. 92 EX.
- Fuel, low pollution, propane, fuel tax, 50% reduction, SB 741(a).
- Systems, alternative, program support, petitioned, HJM 9.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

MOTOR VEHICLES—Continued:

- Tax, cement mixer, garbage, fuel delivery trucks, power take-off unit use, refund, \*HB 353, CH. 36 EX.
  - Collection, transferred, revenue department, Sub HB 654, SB 414.
  - Commercial marine vessels, exempt, Sub HB 730.
  - Ditch riders, certain farm trucks, non-highway use, refund, SB 853.
  - Ferry system, percentage allocation, SB 915, \*Sub SB 915 VETOED.
  - Low pollution, propane gas exempted, SB 741.
  - Nonpolluting, natural gas, exempted, SB 786.
- Motor homes, defined, \*Sub HB 69, CH. 231 EX.
- Nelson, Jack, department director,
  - appointment, confirmation, \*\*GA 5 . . . . . pp. 97, 335, 448
- No fault insurance, mandatory basic protection insurance, provisions, SB 654.
  - Study, report, HB 696, SB 581.
- Noise, regulation, HB 376, SB 280.
- Notices, orders, first class mail requirement, SB 282.
- Occupational operator's license, issuance provisions, SB 64, \*Sub HB 321, CH. 284 EX. PV.
- Ocean beaches, traffic, regulation, HB 555, SB 111, SB 418.
- Operators, classified vehicles, union dispatching, certification acceptance provision, \*HB 53, CH. 126 EX.
  - Habitual traffic offenders, penalties, procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.
  - Intoxicated, criminal offense, SB 281.
  - Juvenile offenders, minor violations, any court, jurisdiction, SB 436.
    - Incarceration, juvenile detention facility, provision, SB 436(a).
  - Licenses, classified, all operators, required, \*HB 53, CH. 126 EX.
    - Denials, suspensions, administrative procedures act, exempt, \*HB 55, CH. 21.
    - Financial responsibility suspension, occupational denial, SB 81.
    - Identification, liquor purchase purposes, acceptance, \*SB 163, CH. 15 EX.
    - Issuance, financial responsibility required, SB 620.
    - Occupational, issuance provisions, SB 64, \*Sub HB 321, CH. 284 EX. PV.
    - Parolees, certain, temporary issuance, SB 582.
    - Previous record, availability, criminal prosecutions, SB 633.
    - Suspended, driving penalties increased, SB 76.
  - Nonresident, summons service, fee increased, HB 227.
    - Registered mail return receipt, provision, \*SB 91, CH. 69 EX.
  - Under influence drugs, liquor, jail sentence, fine, suspension provisions, \*Sub HB 321, CH. 284 EX. PV.
- Ownership, transfers, assignments, oath provisions, SB 630.
  - Police, blue lights, use, regulation, SB 435, \*SB 136, CH. 92 EX.
    - Signal, failure to stop, penalties, SB 488.
  - Pollution, air, exhaust emissions, air contaminant, standards, controls, HB 605(a).
    - Smoke, odor control, provisions, HB 605.
  - Purchases, state, propulsion systems, pollution information, HB 544.
  - Records, certain, five years old, destruction, authorized, \*SB 47, CH. 22 EX.
    - Information, departmental release authority, limitations, SB 155.
  - Repair, automotive, responsibility act, SB 105, Sub SB 105.
    - Examining board, created, duties, SB 105, Sub SB 105.
  - Rules of the road, general amendment, SB 299.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## MOTOR VEHICLES—Continued:

- Scrap, disposal, title only, SB 671.
  - One-half cent increase, urban arterial trust account, allocation, SB 734.
  - Rural mail carriers, refund, SB 889.
  - Urban arterial bonds, payments, allocation provision, SB 912.
  - Trust account insufficiency, allocation provision, \*HB 759, CH. 291 EX. PV.
- Fund, sources, financial condition, transportation related, study, \*HB 892, CH. 195 EX.
  - State patrol highway account, abolished, reallocated, \*SB 124, CH. 91 EX.
  - Weed district assessments, highway rights-of-way, payment provision, \*SB 883, CH. 119 EX.
- Funds, ferries, cross-sound, operation, maintenance, availability inquiry, \*HB 659, CH. 149 EX.
- Funeral coaches, blue light, display, use, provision repealed, \*SB 136, CH. 92 EX.
- Hulk haulers, licensing, display, use, provisions, \*SB 136, CH. 92 EX.
- Habitual traffic offenders, penalties, procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.
- Historic, pre-1931 manufacture, special license plates, issuance, \*SB 720, CH. 114 EX.
- Hulk haulers, licensing, operation, provisions, SB 53, \*SB 605, CH. 110 EX.
- Inspection, safety, program established, rules, regulations, SB 621.
- Insurance, cancellation, sex, marital basis, prohibited, \*HB 140, CH. 174 EX.
  - No fault, mandatory basic protection insurance, provisions, SB 654.
  - Study, report, HB 696, SB 581.
- Junk, abandoned, removal, reporting, regulation, \*SB 606, CH. 111 EX.
- Junkyards, adjacent to highways, screening requirements, \*SB 735, CH. 101 EX.
- Juvenile courts, violation cases, no jurisdiction, SB 117.
  - Operators, offenders, minor violations, any court, jurisdiction, SB 436.
- Liability insurance, cancellation provisions, SB 598.
- License plates, special, personalized, authorized, \*SB 720, CH. 114 EX.
  - Pre-1931 manufacture, issuance, \*SB 720, CH. 114 EX.
- Licenses, certain disabled veterans, issuance, free, \*HB 1072, CH. 193 EX.
  - Issuance duration, two-year periods, authorized, \*HB 57, CH. 52.
  - Financial responsibility, proof required, SB 620.
- Lights, blue, funeral coaches, display, use, provision repealed, \*SB 136, CH. 92 EX.
  - Police vehicles, use, regulation, SB 435, \*SB 136, CH. 92 EX.
  - Green, firemen, display, use, provisions, \*SB 136, CH. 92 EX.
  - Strobe, warning devices, school buses, use permitted, SB 278.
  - Warning, trucks, buses, two reflector elements, requirement removed, \*SB 369, CH. 97 EX.
- Lists, owners, operator, sale prohibited, SB 155.
- Mail carriers, rural, fuel tax, refund, SB 889.
- Mobile home and recreational vehicle advisory board, additional member, \*HB 597, CH. 82 EX.
- Motorcycles, helmet requirement, abolished SB 750.
  - 303, CH. 134 EX.
- Scrap processors, hulk haulers, operations, provisions, \*SB 605, CH. 110 EX.
- Smoke, odor control, provisions, HB 605.
- Snowmobiles, all-terrain vehicles, licensing, regulation, \*SB 156, CH. 29 EX.
- Spot checks, state patrol, all hours, HB 169, SB 115.
- State patrol, highway account, abolished, reallocated, \*SB 124, CH. 91 EX.
- Taxes, excise, July apportionment, fiscal year, crediting, \*HB 486, CH. 80 EX.
  - Special, municipalities, effective date extended, SB 194.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

MOTOR VEHICLES—Continued:

- Tires, standards, \*HB 298, CH. 77.
- Traffic control, in intersection right-of-way, established, SB 290.
  - Violations, penalty monies, traffic safety education account, distribution provisions, \*HB 645, CH. 26 EX.
- Trucks, garbage, rear axle load, limitation exemption, \*SB 209, CH. 244 EX.
  - Operators, interstate, national licensing regulations, abandonment petitioned, \*SJM 16.
  - Overload fines, allocation, annual distribution, provisions, \*HB 30, CH. 17.
    - Grain, perishable commodities, certain cases, unloading not required, \*HB 644, CH. 148 EX.
    - Violations, person controlling loading, equal liability, \*HB 644, CH. 148 EX.
  - Tractors, log tolerance permits, city issuance provisions, \*SB 450, CH. 249 EX.
    - Overlegal loads, special permits, city, county issuance, \*Sub SB 401, CH. 248 EX.
    - Proportional registration, reciprocal mileage computation, revised, \*HB 54, CH. 51.
  - Trailers, length limits extended, highway use permitted, SB 401, \*Sub SB 401, CH. 248 EX.
    - Special permits, additional gross load, violations, penalties, \*SB 450, CH. 249 EX.
- Wreckers, license denials, revocations, departmental order provision, \*SB 49, CH. 7 EX.

MOTORCYCLES AND MOTORBIKES:

- All-terrain vehicles, registration, use, operation, regulations, \*Sub SB 372, CH. 47 EX.
  - Snowmobiles, licensing, regulation, \*SB 156, CH. 29 EX.
- Helmet requirement, abolished, SB 759.
- Operators, riders, glasses, helmets, wearing requirements, \*HB 672, CH. 150 EX.
- Spark arresters, forest fire protection purposes, required, SB 341, \*HB 303, CH. 134 EX.

MOTTLEY, MRS. RUTH F.:

- Yakima community college, trustee board member,
  - appointment, confirmation, \*\*GA 48 . . . . . pp. 104, 900, 1301

MUNCASTER, THEODORE H.:

- Everett Junior, Edmonds community colleges, trustee board member,
  - appointment, confirmation, \*\*GA 34 . . . . . pp. 101, 899, 1782

MURDER:

- Incendiary devices, explosives, use, resulting death, first degree murder, provision, SB 432, \*Sub SB 441, CH. 302 EX. PV.

MURRAY, SENATOR JOHN S.:

- Protest, ESHB 151 . . . . . p. 1787
- Protest, failure SFR 39 . . . . . pp. 782-783

MUSEUMS:

- Historical, county, operation, maintenance expenditures, maximum amounts, provisions repealed, \*SB 195, CH. 39.

MUSIC:

- Copyright, certain listing, publication filing provisions, repealed, HB 224(a).
  - List compilations, availability provisions, HB 224.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## MUSIC—Continued:

- Festivals, outdoor, licensing, regulations, SB 411.
- March, official, state of Washington, designated, SB 716.

## MUSIC FESTIVALS:

- Outdoor, licensing, regulations, SB 411, \*Sub SB 441, CH. 302 EX. PV.

## NACHES PASS:

- Tunnel, feasibility study, title only, SB 733.

## NAMES:

- Geographic board, established, SB 338.
- Women, maiden names, use subsequent to marriage, provision, SB 503.

## NARCOTICS: (see also Drugs)

- Agents, special law enforcement, extraterritorial jurisdiction, \*Sub SB 441, CH. 302 EX. PV.
- Controlled substances, uniform act, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.
- Juveniles, offenses, photographing, fingerprinting authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.
- Minors, drug, alcoholic abuse care, without parental consent authorized, \*SB 273, CH. 304 EX. PV.
- Prescriptions, generic, brand name use, required, SB 271.
- Sale, illegal, conviction, suspension, deferrals, prohibited, \*SB 108, CH. 295 EX. PV.

## NATURAL RESOURCES:

- Board, harbor lines, beyond present limits, establishment, SB 116.
- Department, employees, property examination, surveys, right of entry, SB 340, \*HB 300, CH. 49 EX.
  - Fire permits, certain purposes, issuance provisions, \*Sub HB 772, CH. 232 EX.
  - Fire protection, references changed, SB 341, \*HB 303, CH. 134 EX.
  - Forest fires, suppression costs, contingency funds, supplemental appropriations, \*HB 688, CH. 50 EX.
  - Landowner contingency forest fire suppression account, provision, \*HB 1034, CH. 207 EX.
- Land use, data bank, design expansion, provision, \*SB 314, CH. 234 EX.
- Public grant lands, sale, lease, school districts, colleges, school site purposes, provisions, \*HB 464, CH. 200 EX.
- Public land, tidelands, waters, sales, leases, expenses, allowable reimbursements, income percentage provisions, \*HB 477, CH. 224 EX.
- State lands, multiple use, provisions, \*SB 314, CH. 234 EX.
- State water inventory, navigability determination, SB 336.
- Tidelands, shorelands, certain, state, leasing provisions, SB 178, \*HB 40, CH. 217 EX.
- Districts, title only, SB 810.
- Forest debris, mill waste, dumping, forest, range lands, permit required, SB 341(a), \*HB 303, CH. 134 EX.
  - Products, burning, permits, natural resources department, issuance, regulation, \*SB 42, CH. 233 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

NATURAL RESOURCES—Continued:

- Protection, fire hazard debris, control, suppression, costs, rules, regulation, \*HB 1034, CH. 207 EX.
- Forests, certain tidelands, management expenses, income allocation, provisions, SB 339.
- Harbor areas, leases, governmental agencies, department management fee, determination, SB 147, Sub SB 147.
- Rental rate, provisions, Sub SB 147.
- Mason county cemetery district, state forest land, one acre, deed, authorized, \*SB 858, CH. 90 EX.
- Public lands, access, right-of-way condemnation provision, HB 48.
- Ecological study purposes, school use, areas reserved, SB 405.
- School lands, state, park use, cities and towns, lease, cost determination provisions, \*SB 288, CH. 246 EX.
- Sequest state park, addition, adjacent lands, exchange authorized, \*SB 858, CH. 90 EX.
- State lands, fallen timber, gravel, small sale procedures, revisions, \*HB 237, CH. 123 EX.
- Multiple use, provisions, \*SB 314, CH. 234 EX.
- Trust lands, presently parks, sale to parks and recreation commission, SB 854, \*HB 721, CH. 210 EX.
- Transfer to parks and recreation commission, SB 831.
- School sites, sales, acreage increased, SB 337.
- State parks use, rentals, parks and recreation department, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Water resources development management plan, provisions, \*HB 394, CH. 225 EX.

NATUROPATHS:

- Regulation, licensing, SB 494, Sub SB 494.

NAVIGATION:

- State waters, inventory, navigability determination, SB 336.

NELSON, JACK:

- Motor vehicles department, director, appointment, confirmation, \*\*GA 5 . . . . . pp. 97, 335, 448

NEUPERT, JACK G.:

- University of Washington, regents board member, appointment, confirmation, \*\*GA 24 . . . . . pp. 100, 1319, 1781

NEWSCHWANDER, SENATOR CHARLES E.:

- Protest, ESHB 151 . . . . . p. 1757
- Protest, failure SFR 39 . . . . . pp. 782-783

NEWSPAPERS:

- Advertisements, unfair, deceptive, liability, knowledge required, SB 792(a).
- Constitutional amendments, notice, publication provision, repeal, HJR 28.
- State debts, minority newspapers, publication provision, HB 259.
- Debts, state, newspaper notice, one time publication provision, HJR 27(a).
- Minority, constitutional amendments, state debts, publication, HB 259.
- Ordinances, municipal, resumes permitted, HB 207, SB 21.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**NISQUALLY DELTA:**

Area, preservation, title only, SB 908.

**NOISE:**

Motor vehicles, regulation, HB 376, SB 280.

Pollution, standards, title only, SB 3.

**NONRESIDENTS:**

College students, resident, nonresident, defined, tuition fee purposes, \*SB 594, CH. 273 EX.

Motor vehicles, trailers, leased, rented, interstate operations, passengers, property transportation, excise tax exempt, SB 352, \*Sub SB 352, CH. 11 EX.

Steelhead, supplemental seal, fees, SB 425.

**NONSUPPORT:**

Stepchildren, family support provisions, excluded, SB 652.

**NORTHERN STATE HOSPITAL:**

Facilities, alternate uses, study, \*Sub HB 151, CH. 275 EX. PV.

Operation, appropriation, SB 202.

Omnibus budget, \*Sub HB 151, CH. 275 EX. PV.

**NOTARIES PUBLIC:**

Motor vehicles, ownership transfers, assignments, oath provisions, SB 630.

**NUCLEAR FACILITIES:**

Electric generating facilities, steam powered, taxation, provisions, SB 852.

Nuclear energy, peaceful utilization, title only, SB 748.

Nuclear fuel assemblies, manufacture, B & O tax imposed, \*HB 888, CH. 186 EX.

Steam generating facilities, in lieu tax payments, exemption removed, \*HB 82, CH. 75 EX.

Thermal power plants, operation, environmental impact study, SB 665.

**NURSERIES: (Plant)**

Fruit trees, seedlings, rootstock, tax assessment, annual, imposed, \*SB 410, CH. 33 EX. PV.

Horticultural plants, grading, inspection, sales, regulations, \*SB 410, CH. 33 EX. PV.

Stock, growing, property tax, listing required, \*SB 515, CH. 18 EX.

**NURSES AND NURSING:**

EWSC, degree, granting authorized, \*SB 35, CH. 28 EX.

Malpractice actions, statute of limitations, provisions, \*HB 720, CH. 80.

Practical, licensed, duties, regulation, \*HB 405, CH. 68.

Registered, practical, collective bargaining, provisions, SB 415.

**NURSING HOMES:**

Administrators, license fee, reduced, SB 516.

Construction, certificates of need, issuance, SB 638, \*Sub HB 553, CH. 198 EX.

License fee, increased, SB 767.

Licenses, annual expiration date, provisions, \*SB 295, CH. 247 EX.

Private establishment, licensing, psychiatric patients, provisions, SB 511.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## NURSING HOMES—Continued:

Public assistance recipients, supplemental budget appropriation, SB 386.

## OBSCENE MATERIALS:

Exhibition, sale, enjoined, SB 318.

Sexually oriented, likelihood of distribution to minors, sale, regulation, SB 573.

## OCEAN:

Beach traffic advisory committees, counties, three created, HB 555(a).

Beaches, declared public areas, SB 111.

Vehicular traffic, regulation, HB 555, SB 111, SB 418.

Fish, anadromous, high seas control, conservation, foreign agreements, petitioned, SJM 14.

Fisheries, coastal, jurisdiction limit extension, \*SJM 1.

## ODEGAARD, SENATOR GARY M.:

Reply to protest, SFR 39 . . . . . pp. 783-785

Repudiating SFR 18 . . . . . p. 409

## OFFICE OF ECONOMIC OPPORTUNITY:

Head Start, project supplementation, appropriation, \*Sub HB 151, CH. 275 EX. PV.

## OFFICIALS:

Cities, towns, counties, budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 552.

County, salaries, increased, \*SB 512, CH. 237 EX.

Federal, congressmen, written financial statement, filing required, SB 550.

Justice court judges, full time, other public office, filing, holding, ineligible, SB 894.

Public, code of ethics, revision, HB 462.

Ethical standards, title only, SB 893.

Recall proceedings, signature filings, time limitation, provisions, \*Sub HB 214, CH. 205 EX.

School districts, budgets, expenditures, in excess of appropriations, officers, employees, liability, SB 551, \*SB 168, CH. 93 EX.

State, insurance, health coverage plans, choice, provisions, HB 816, SB 510.

Rebidding, awarding, two-year periods, HB 816(a).

Various health practitioners, use, provisions, HB 816(a).

## OLYMPIC CENTER:

Appropriation, SB 187.

Omnibus budget, \*Sub HB 151, CH. 275 EX. PV.

## OLYMPIC COMMUNITY COLLEGE:

Bruckart, John R., Jr., trustee board member,

appointment, confirmation, \*\*GA 32 . . . . . pp. 101, 898, 1298

Strachan, Mrs. Margaret, trustee board member,

appointment, confirmation, \*\*GA 67 . . . . . pp. 1020, 1084, 1304

## OMBUDSMAN:

Office created, duties, responsibilities, SB 167.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## OPEN SPACE:

Airports, tax, basis, HB 155.

Cities, towns, recreation facilities, development, indebtedness increase authorized, \*SB 177, CH. 38.

Conservation futures, open space land, purchase authorized, HB 586, \*SB 185, CH. 243 EX.

Counties, conservation futures, land purchases, authorized, HB 586.

Property, real, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.

## OPTOMETRISTS:

Health care, all citizens, federally underwritten, services provision, petitioned, Sub SJM 12.

Health care corporations, registration, practice, permitted, SB 618.

Programs, state contract, various health practitioners, use, provisions, HB 816(a).

Services, discrimination, company officials, physicians, penalties, SB 616.

Public, doctors, freedom of choice, established, SB 615.

State, municipal contracts, doctors, freedom of choice, established, SB 614.

Optometrists, discrimination prohibited, SB 617.

## ORDINANCES:

Annexations, original documents, filing provisions, SB 86.

County, initiative, referendum provisions, SB 16, Sub SB 16.

Municipal, public notice, resumes authorized, HB 207, SB 21.

## ORGANIZATIONS:

Nonprofit, employees, unemployment compensation coverage, SB 120, \*HB 199, CH. 3.

Religious, sectarian, nonprofit, real property taxes, exemptions, \*HB 38, CH. 64 EX.

## ORPHANS:

Schools, state funds apportionment, obsolete provision repealed, \*HB 17, CH. 47.

## OSTEOPATHS:

Assistants, licensing, \*SB 182, CH. 30 EX.

Health care, all citizens, federally underwritten, services provision, petitioned, Sub SJM 12.

Health care corporations, registration, practice, permitted, SB 618.

Programs, state contract, various health practitioners, use, provisions, HB 816(a).

Services, insurance contracts, inclusion required, SB 696(a).

Incompetency, misconduct charges, fellow professionals, immunity from suit, \*HB 351, CH. 144 EX.

Licensing, national board examination, state acceptance, \*Sub HB 379, CH. 227 EX.

Malpractice actions, statute of limitations, provision, \*HB 720, CH. 80.

## OUTDOOR INTERAGENCY COMMITTEE:

Trails, recreational, existing, potential routes, inventory, preparation provision, \*Sub SB 372, CH. 47 EX.

## PACKAGES:

Bacon, packaging, standards, \*HB 41, CH. 49.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PARAMEDICS:

Emergencies, life-saving service, use authorized, \*SB 188, CH. 305 EX. PV.

## PARENTS:

Adoption, petitioners, prospective, preplacement study, provisions, \*Sub HB 762, CH. 172 EX.

Foster, child adoptions, hard to place children, aid payments, Sub SB 128.

Parental successors, mentally, physically handicapped, nonprofit corporations, appointment authorized, HB 782.

Stepchildren, family support provisions, excluded, SB 652.

## PARKING:

Areas, business improvement, establishment authorized, \*SB 130, CH. 45 EX.

Off-street, facilities, leasing, operation, provisions, SB 824.

## PARKS AND RECREATION:

All-terrain vehicles, trails, funds allocation, provisions, \*Sub SB 372, CH. 47 EX.

Camps, church owned, real property taxes, exemptions, \*HB 38, CH. 64 EX.

Cities, towns, facilities development indebtedness increase authorized, \*SB 177, CH. 38.

Concessionaries, state parks, leases, alteration, amending, provision, SB 789.

Cypress island educational reserve, established, SB 193.

Department, beaches, vehicular traffic, regulation, HB 555, SB 111, SB 418.

Trust lands, state park use, rentals, payment, appropriation, \*Sub HB 151, CH. 275 EX. PV.

Everett, harbor jetty, state acquisition, park purposes, SB 378.

Fort Lawton, Seattle acquisition, city park purposes, petitioned, HJM 14.

Garrett, Thomas, commission member,

appointment, confirmation, \*\*GA 15 . . . . . pp. 99, 1262, 1779

Mayfield lake state park, renamed Ike Kinswa state park recreation area, \*HB 50, CH. 50.

McCurdy, James G., commission member,

appointment, GA 3 . . . . . pp. 97, 1262

Nonmotorized recreation, easement, access, use, grant provision, SB 561.

Outdoor interagency recreation committee, membership, ecology director, added, SB 334, \*HB 228, CH. 60.

Outdoor recreation facilities, title only, SB 808.

Recreational bond redemption, fund deposit date, \*SB 150, CH. 37.

Park land, state, unneeded, disposal, low bids rejection provision, \*SB 288, CH. 246 EX.

Parks, dedicated property, first class cities, exchanges permitted, \*SB 219, CH. 16 EX.

Recreation personnel examiners board, established, SB 843.

State, public place, redefined, HB 905, \*HB 876, CH. 208 EX.

Plowing, snow, designated parking areas, highways commission authorized, SB 138.

Property conveyances, park purposes, governmental units, provisions, \*SB 185, CH. 243 EX.

Public, eminent domain, property acquisition, equivalent substitution, required, SB 706.

Scenic highway recreational system, study authorized, HB 398.

School lands, state, park use, cities, towns, lease provisions, \*SB 288, CH. 246 EX.

Seaquest state park, addition, adjacent lands, exchange authorized, \*SB 858, CH. 90 EX.

State, facilities, daily, annual fees, charge authorized, SB 367.

State lands, multiple use, provisions, \*SB 314, CH. 234 EX.

State parks and recreation act, title only, SB 426.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PARKS AND RECREATION—Continued:

State parks, fees authorized, HB 401.

Trust lands, presently parks, sale to parks and recreation commission, SB 854, \*HB 721, CH. 210 EX.

Transfer to parks and recreation commission, SB 831.

State parks use, rentals, natural resources department payments, appropriation, \*Sub HB 151, CH. 275 EX. PV.

Whittaker, James W., commission member,

appointment, confirmation, \*\*GA 14 . . . . . pp. 98, 1262, 1468

## PAWNBROKERS:

Stolen property, acquisition, possession, court actions, provision, SB 439.

## PAYROLL PROVISIONS:

Senators, employees, weekly, \*\*SFR 4 . . . . . p. 10

## PENINSULA COMMUNITY COLLEGE DISTRICT:

Hunt, Harry T., trustee board member,

appointment, confirmation, \*\*GA 29 . . . . . pp. 101, 898, 1297

## PENSIONS: (see also Retirement)

Associations, political subdivisions, public employees, retirement system, membership authorized, \*SB 522, CH. 271 EX.

College, university, faculty, employees, certain, teachers' retirement system, membership, provisions, \*SB 368, CH. 261 EX.

Executive department, officials, public employees' system, membership provision, \*SB 522, CH. 271 EX.

Federal remuneration, unemployment compensation purposes, exempt, SB 864.

Firemen, cities, no fund established, extra levy, imposition not required, SB 723.

Pre-1961 retirements, benefits increased, SB 592.

Funds, supplemental, established, SB 686(a).

Industrial insurance, prior pensioners, payment increase, SB 69.

Judges, public employees' system, former membership reinstatement, prior service credits, SB 809(a), \*SB 59, CH. 267 EX.

Law enforcement officers' and fire fighters' system, general revisions, SB 186, SB 204, \*Sub SB 354, CH. 257 EX.

Leaves, temporary, permitted, SB 240.

Legislators, public employees' system, membership authorized, \*SB 522, CH. 271 EX.

Military, remuneration, unemployment compensation purposes, exempt, SB 864.

Police, firemen, certain medical benefits, retirement fund system payment provision, SB 820.

Permanently disabled, retirement allowance, immediate payment provision, SB 802.

Public employees' retirement system, general revisions, HB 149, SB 67.

Retirement, age 60, state-wide city system, general provisions, SB 499.

Remuneration, prior year wage credits basis, unemployment compensation benefits, exempt, SB 622(a).

Systems, state, funding, alternative methods, study, \*HCR 41.

Unemployment benefits, eligibility determinations, certain pensions excluded, SB 622(a).

State patrol, retirement, increase provisions, \*HB 373, CH. 278 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

PENSIONS—Continued:

- State retirement system, sex distinction, members, beneficiaries, tables, eliminated, SB 500.
- Teachers, post retirement adjustments, SB 169.
  - Retirement allowance, insurance premiums, deductions authorized, \*HB 434, CH. 63.
- Universities, faculties, employees, retired, ineligible for social security, benefits increased, SB 78, \*HB 125, CH. 76 EX.

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- Game commission, per diem allowance, SB 333.

PERMITS:

- Cremated remains, disposition, regulation, SB 574.
- Drilling, under surface waters, oil, gas, hydrocarbon substances, issuance, provision, requirements, SB 483, \*Sub HB 655, CH. 180 EX.
- Festivals, outdoor music, licensing, regulation, SB 411.
- Fire extinguishers, systems, commercial repair, installation, permits required, SB 600.
- Fireworks, supervised displays, issuance, regulation, SB 764.
- Forest debris, mill waste, dumping, forest, range lands, issuance provisions, SB 341(a), \*HB 303, CH. 134 EX.
  - Fires, control fires air pollution permits, exempted, SB 801.
  - Products, burning, natural resources department, issuance, regulation, \*SB 42, CH. 233 EX.
- Log tolerance, trucks, trailers, city issuance provisions, \*SB 450, CH. 249 EX.
- Mobile homes, movement, department issuance, provisions, \*Sub HB 69, CH. 231 EX.
- Salmon delivery, commercially licensed fishing boats, issuance, SB 417, \*HB 687, CH. 283 EX. PV.
- Trucks, tractors, overlegal loads, special permits, fee schedule, SB 401, \*Sub SB 401, CH. 248 EX.
  - Trailers, special permits, additional gross load, violations, penalties, \*SB 450, CH. 249 EX.
- Waste disposal, local governmental sewerage systems, requirement, HB 903.
- Wild animals, birds, any nondomesticated species, importation, provision, SB 460.

PERPETUITIES:

- Trusts, all, rule against, applicable, \*HB 362, CH. 229 EX.

PERRY, ERNEST L.:

- Canal commission, member,
  - appointment, confirmation, \*\*GA 21 . . . . . pp. 98, 1373, 1780

PERSONNEL BOARD:

- Executive assistants, labor relations, civil service exempt, SB 835, \*HB 743, CH. 209 EX.
- Hearing officers, appeals, appointment provisions, SB 541.
- Holifield, George W., board member,
  - appointment, confirmation, \*\*GA 1 . . . . . pp. 96, 159, 223
- Position vacancies, eligibility lists, name referrals, provisions revised, SB 523.
- Putnam, Robert H., member, appointment, GA 61 . . . . . p. 186

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

PESTICIDES:

- Agricultural commodity, raw, use, federal act, regulations, state adoption, HB 1116(a), SB 524.
- Application, licensing, operation, general revisions, \*HB 636, CH. 191 EX.
- Board, advisory, membership increased, \*HB 636, CH. 191 EX.
- Control board established, SB 498, \*HB 540, CH. 190 EX.
- Emergencies, fire, spillage, contaminations, reporting requirement, SB 538.
- Poisonings, dangers, health and social services department, investigation authority, \*HB 415, CH. 41 EX.
- Human, animal, investigation, requirement, SB 538.
- Regulation, \*HB 540, CH. 190 EX.

PETERS, MRS. MARGE:

- Skagit Valley community college, trustee board member, appointment, confirmation, \*\*GA 70 . . . . . pp. 1021, 1083, 1305

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- Miss Washington, state's honorary hostess, \*SCR 18.

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- Prison terms and parole, board, member, appointment, confirmation, \*\*GA 83 . . . . . pp. 1285, 1479, 1783

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- Counties, territory, transfer to another county, election, provisions, HB 1073.
- Initiatives, referendums, signatures, solicitation organization, payment prohibited, HB 367.
- Recall, public officials, proceedings, signature filings, time limitation, provisions, \*Sub HB 214, CH. 205 EX.

PETRIFIED WOOD:

- State rock, designation, HB 386.

PETROLEUM:

- Drilling, Puget Sound, oil, gas, hydrocarbon substances, prohibited, SB 22.
- Under surface waters, oil, gas, hydrocarbon substances, permits, issuance, provision, requirements, \*Sub HB 655, CH. 180 EX.
- Oil discharge, state waters, prevention, control, provisions, SB 483, \*Sub HB 655, CH. 180 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

PETROLEUM—Continued:

- Puget Sound, drilling prohibited, SB 22, \*Sub HB 584, CH. 286 EX. PV.
- Oil spills, tanker use alternatives, study, \*HCR 12.
- Surface waters, drilling, permits, issuance, provision, requirements, \*Sub HB 655, CH. 180 EX.

PETS:

- Diseases, communicable, protection, control, provisions, \*SB 228, CH. 72.

PHARMACY AND PHARMACISTS:

- Board, fees increased, \*HB 411, CH. 201 EX.
- Drug prescriptions, generic, brand name use, required, SB 271.
- Pharmacy board, uniform controlled substances act, administration, SB 146, Sub SB 146, \*2nd Sub SB 146, CH. 308 EX. PV.
- Thal, Sanford, board, member,
  - appointment, confirmation, \*\*GA 60 . . . . . pp. 187, 913, 1468

PHARMACY BOARD:

- Thal, Sanford, member,
  - appointment, confirmation, \*\*GA 60 . . . . . pp. 187, 913, 1468

PHOSPHORUS:

- Detergents, soaps, content, labeling, regulation, SB 356.

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- Children, abused, photographing, documentary evidence purposes, authorized, SB 440, \*Sub SB 441, CH. 302 EX. PV.
- Juveniles, felony crimes, photographing, fingerprinting, authorized, SB 437, SB 812, \*Sub SB 441, CH. 302 EX. PV.

PHYSICAL THERAPISTS:

- Assistants, duties, rules, regulations, SB 892.
- Study, \*SFR 72 . . . . . p. 1490

PHYSICIANS AND SURGEONS:

- Advertising, certain purposes, permitted, SB 307.
- Drug prescriptions, generic, brand name use, required, SB 271.
- Drugs, dangerous, possession, health professions, duty purposes only, HB 11.
- Emergency care, physician, hospital, liability limitation, SB 227.
  - Without consent, liability, provisions, \*SB 188, CH. 305 EX. PV.
  - Fee, liability limitation, SB 227(a).
- Health care corporations, registration, practice, permitted, SB 618.
- Health care programs, choice, any discipline, preference permitted, SB 389.
  - State contract, various health practitioners, use, provisions, HB 816(a).
- Services, optometrist discrimination, company officials, physicians, penalties, SB 616.
  - Public, doctors, freedom of choice, established, SB 615.
  - State, municipal contracts, doctors, freedom of choice, established, SB 614.
  - Optometrists, discrimination prohibited, SB 617.
- Incompetency, misconduct charges, fellow professionals, immunity from suit, \*HB 351, CH. 144 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## PHYSICIANS AND SURGEONS—Continued:

- Licensing, basic sciences examination, waiver provision, \*Sub HB 379, CH. 227 EX.
- Malpractice actions, statute of limitations, provision, \*HB 720, CH. 80.
- Paramedics, trained mobile intensive care, emergency service, use authorized, \*SB 188, CH. 305 EX. PV.
- Physicians' assistants, licensing, \*SB 182, CH. 30 EX.

## PIERCE COUNTY:

- Superior court, judges, number increased, \*HB 643, CH. 83 EX.

## PILOTAGE COMMISSION:

- Pilots, services, payment, vessel insurance, coverage provision, \*SB 465, CH. 297 EX. PV.
- Performance, investigation, hearings, provisions, \*SB 465, CH. 297 EX. PV.

## PLANNING AND COMMUNITY AFFAIRS:

- Public works, local, advance planning, provisions, HB 680.

## PLATS AND PLATTING:

- Subdivisions, hearings publication notice defects, validation, \*SB 391 VETOED.
- Tidelands, shorelands, certain, state, leasing provisions, SB 178, \*HB 40, CH. 217 EX.

## PLEAS:

- Bargaining prohibited, felons, arrests, charge reduction, SB 765.

## PLUMBERS:

- Licensing, certification, SB 254, SB 397.
- Regulation, SB 254, SB 397, Sub SB 397.

## PODIATRISTS:

- Health care, all citizens, federally underwritten, services provision, petitioned, Sub SJM 12.

## POINT ELLICE:

- Highway, to Skamokawa, planning, right of way acquisition, appropriation, SB 106.

## POLICE: (see also Law Enforcement Officers)

- Applicants, standard medical entrance requirements, SB 234.
- City chiefs, civil service exempt, SB 342.
- Civil service appointment, three-name list provision, SB 745.
- Disabled, permanent, retirement allowance, immediate payment provision, SB 802.
- Drug agents, special, extraterritorial jurisdiction, \*Sub SB 441, CH. 302 EX. PV.
- Emergencies, other municipalities, assistance, arrest powers, SB 871.
- Employment, minimum medical health standards, retirement system coverage, established, SB 354, \*Sub SB 354, CH. 257 EX.
- Firearms, use, limitations, SB 462.
- Law enforcement officers' retirement system, general revisions, SB 186, SB 204, \*Sub SB 354, CH. 257 EX.
- Training facility, established, SB 643.
- Volunteer firemen, killed on duty, life insurance, provisions, SB 27, Sub SB 27.
- Medical benefits, certain, retirement fund system payment provision, SB 820.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



**POLICE—Continued:**

- Motor vehicle dealers, license certificates, issuance provisions, \*HB 77, CH. 74 EX.
- Motor vehicles accidents, arrest citation, reasonable ground basis, investigating officer issuance, HB 83.
- Blue lights, use, regulation, SB 435, \*SB 136, CH. 92 EX.
- Junk, abandoned, inspection disposal, authorization provisions, \*SB 606, CH. 111 EX.
- Police signal, failure to stop, penalties, SB 488.
- Retirement system, state administrative costs, local government apportionment, \*HB 210, CH. 216 EX.
- Service credits, prior employment, retirement purposes, SB 204, SB 353.
- Stamps, coins, used, collector's items, police report, required, SB 519.
- State patrol, vehicle inspection stops, all hours, HB 169, SB 115.
- Uniformed personnel, collective bargaining, mediation, determination provisions, SB 232.

**POLITICAL PARTIES:**

- Candidates, names, voting devices, listing order, provisions, SB 198, \*HB 215, CH. 6 EX.
- Write-in nominations, minimum vote reduced, HB 427.
- Caucuses, conventions, meetings, regulation, Sub HB 440, SB 395.
- Elections, primary, open state, provisions, SB 479.
- State employees, campaigning, other than state offices, permitted, SB 345.

**POLLUTION: (see also Environment, also Solid Waste, also Noise)**

- Air, control, plans, procedures, emergency actions, provisions, SB 481, \*HB 992, CH. 194 EX.
- Episodes, emission reduction, avoidance plan, provisions, SB 481, \*HB 992, CH. 194 EX.
- Fire permits, certain purposes, issuance provisions, \*Sub HB 772, CH. 232 EX.
- Title only, SB 896.
- Water facilities, port districts operation, provisions, SB 771.
- Violations, penalties increased, SB 348.
- Automotive fuel systems, alternative, program support petitioned, HJM 9.
- Beverage container control, return, recycling, SB 513.
- Control, facility, credits, tax exemption certificate, issuance, denial, appeal, provisions, Sub HB 1081.
- Hearing board, members appointed, confirmed . . . . . pp. 99, 912, 913, 1780
- Ecology department, water, air resources program, integration, HB 480.
- Environmental policy, state act, established, \*SB 545, CH. 109 EX.
- Environmental protection boards created, powers, duties, SB 783.
- Environmental protection, state act, established, SB 560.
- Forest fires, control fires air pollution permits, exempted, SB 801.
- Products, burning, permits, natural resources department, issuance, regulation, \*SB 42, CH. 233 EX.
- Highways, construction, impact reports, provisions, \*HB 273, CH. 24 EX.
- Hill, Matthew, pollution control hearing board, member, appointment, confirmation, \*\*GA 18 . . . . . pp. 99, 913, 1614
- Industrial waste discharges, reporting, disclosure provisions, \*Sub HB 595, CH. 160 EX.
- Monitoring fees, required, SB 358.
- Litter control act, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

POLLUTION—Continued:

- Motor vehicle, low pollution fuel, propane, 50% tax reduction, SB 741(a).
- Motor vehicle noise, regulation, HB 376, SB 280.
- Motor vehicles, engines operating, stationary position, time limitation provision, HB 605(a).
  - Exhaust emission, air contaminant, standards, controls, HB 605(a).
  - Low pollution fuel, propane, fuel tax exemption, SB 741.
  - Nonpolluting fuels, natural gas, fuel tax exemption, SB 786.
  - Smoke, odor control, provisions, HB 605.
  - State purchases, propulsion systems, pollution information, HB 544.
- Noise, standards, title only bill, SB 3.
- Oil discharges, state water, prevention, control, provisions, SB 483, \*Sub HB 655, CH. 180 EX.
  - Spills, Puget Sound, tanker use alternatives, study, \*HCR 12.
  - Tankers, pilot, navigation requirements, pollution control, violations reporting provisions, SB 557.
- Pesticides, emergencies, fire, spillage, contaminations, reporting requirement, SB 538.
  - Poisonings, human, animal, investigation requirement, SB 538.
- Phosphorus, soap, detergent content, labeling regulation, SB 356.
- Sheehy, James T., pollution control hearing board, member,
  - appointment, confirmation, \*\*GA 17 . . . . . pp. 99, 913, 1780
- Slash, burning, ecology department permission, SB 83.
- Solid waste, collection districts, county establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
- Water, control facilities construction, appropriation, \*HB 832, CH. 20 EX.
  - Local governmental sewerage systems, waste disposal, permits required, HB 903.
- Wood fiber debris, state tidal waters, removal provisions, HB 204.
- Woodward, Walt, pollution control hearing board, member,
  - appointment, confirmation, \*\*GA 16 . . . . . pp. 99, 912, 1780

POLLUTION CONTROL HEARING BOARD:

- Hill, Matthew, member, appointment, confirmation,
  - \*\*GA 18 . . . . . pp. 99, 913, 1614
- Sheehy, James T., member, appointment, confirmation,
  - \*\*GA 17 . . . . . pp. 99, 913, 1780
- Woodward, Walt, member, appointment, confirmation,
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POPULATION:

- Study council, established, SB 324.

PORT DISCOVERY BAY:

- Salmon, commercial fishing, prohibited, SB 763.

PORTS AND PORT DISTRICTS:

- Annexation, area, same county, not part of existing district, provisions, \*HB 88, CH. 157 EX.
- Bids, contracts, provision revised, \*SB 373, CH. 258 EX.
- Commissioners, compensation, set by port commissioners, SB 149(a).
  - Per diem, salaries, provisions, SB 149(a), SB 466, SB 813.
- Counties, class AA, home rule, duties, assumption authorized, SB 776.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## PORTS AND PORT DISTRICTS—Continued:

- Fiscal agencies, designation provision revised, \*HB 437, CH. 79 EX.
- Formation, less than county size, provision deleted, \*HB 88, CH. 157 EX.
- Inactive, dissolution, method, provisions, \*Sub HB 47, CH. 162 EX.
- Industrial dispersion projects, establishment, SB 39.
  - Diversification projects, authorized, SB 41.
- Pollution control facilities, operation provisions, SB 771.
- Port association, public, minimum dues, SB 149.
- Ports, public, title only, SB 731.
  - Title only, SB 728.
- Property, leases, municipal officers, personal interest, regulation, provision, \*SB 176, CH. 242 EX.
- Property tax, commercial profit use, payment provisions, SB 803.
- Purchasing, material, over \$2,500 cost, bids required, \*SB 373, CH. 258 EX.
- Soviets, fishing vessels, port use privileges, agreement revaluation petitioned, HJM 16.

## PORT WASHINGTON NARROWS:

- Harbor lines, Bremerton, relocation authorized, SB 161, \*HB 200, CH. 158 EX.

## POSTAL SAVINGS SYSTEM:

- Deposits, unclaimed, state property, \*SB 71, CH. 68 EX.

## POULTRY:

- Inspection, federal regulations, state adoption, \*SB 525, CH. 108 EX.

## POWELL, GEORGE V.:

- Member, board of regents, University of Washington, appointment, confirmation, \*\*GA 77 . . . . . pp. 1022, 1319, 1614

## PRECINCTS:

- Committeemen, candidates, absentee ballots, names included, SB 554.
  - Name on ballot, twice, permitted, \*HB 245, CH. 18.
  - State employees, holding position, permitted, SB 345.
- Political parties, caucuses, conventions, meetings, regulations, Sub HB 440, SB 395.
- Voting devices, use, election officer instruction, \*HB 242, CH. 124 EX.

## PREGNANCY:

- Students, alternative educational programs, provisions, SB 322, SB 724(a).
- Termination, certificate, filing required, SB 60.

## PRESCRIPTIONS: (see also Drugs)

- Drugs, generic, brand name use, required, SB 271.
  - Medicine name, dosage, labeling provision, \*SB 454, CH. 99 EX.
- Prescription, security cap, safety standards, compliance provision, \*SB 454, CH. 99 EX.

## PRESIDENT JOHN A. CHERBERG: (see Lieutenant Governor, also President of the Senate)

## PRESIDENT OF THE SENATE: (see also Lieutenant Governor, also John A. Cherberg)

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- Appreciation expressed by . . . . . pp. 618-619

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Senator Al Henry, nominated, elected, oath of office  
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## PRESSURE SYSTEMS:

- Boilers, pressure vessels, systems, definitions revised, regulation exemptions listed, SB 836.
- Pressure systems safety act, enacted, SB 416, Sub SB 416.

## PRICES:

- Grocery chain, two or more stores, differing prices, qualities, unfair practices provision, SB 508.

## PRINCIPAL (MONETARY):

- Principal and income act, enacted, \*HB 66, CH. 74.

## PRISON TERMS AND PAROLES:

- Johnson, Bruce F., board chairman, appointment,  
confirmation, \*\*GA 19 . . . . . pp. 99, 303, 384
- Parole violators, county jail detention costs, reimbursement, SB 443.
- Peterson, Ross, board member, appointment, confirmation,  
\*\*GA 83 . . . . . pp. 1285, 1479, 1783
- Work release, prisoners, approval provisions revised, \*SB 125, CH. 58 EX.

## PRISONERS: (see also Felons)

- Death, autopsy provision, SB 63.
- Felons, male, presentence evaluations, SB 247.
- Furloughs, rehabilitation purposes, established, SB 283, \*SB 125, CH. 58 EX.
- Goods, articles, prison produced, certain, sale authorized, SB 229.
- Jail, time served, post-trial proceedings, credit, \*SB 153, CH. 86 EX.
- Parole revocations, rehabilitation prospects, hearings, general provisions, SB 431.
- Paroled, probationers, discharged aid program, created, \*SB 196, CH. 31 EX.
- Released, monetary grants, payment provisions, \*Sub HB 561, CH. 171 EX.
- Sentences, imprisonment, imposition, excessive basis, appeal provision, SB 904.
- Work release, individuals, approval provisions revised, \*SB 125, CH. 58 EX.

## PROBATE:

- Appraiser, personal representative, claims, filing, provisions, HB 734.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**PROBATE—Continued:**

- Checks, estate settlement, personal representative, file removal provision, \*SB 40, CH. 29.
- Debts, collection by affidavit, SB 38.
- Family support, amount provisions increased, SB 790.
- Filing fees, superior court, law library support, amount increase, provisions, \*HB 218, CH. 141 EX.
- Inheritance tax, payment period, reduced, \*HB 213, CH. 132 EX.
- Legal age, 18, authorized, \*SB 10, CH. 28.
- Trusts, all, rule against perpetuities, applicable, \*HB 362, CH. 229 EX.
- Uniform code, enacted, SB 313.

**PROBATION AND PAROLE:**

- Counties, probation service programs, state funds, payment, average base commitment rate, use provisions, SB 468, \*HB 575, CH. 165 EX.
- Hearings, presentence investigation, report, not required, SB 387.
- Parole violators, county jail detention costs, reimbursement, SB 443.
- Parolees, certain, motor vehicle operator's license, temporary issuance, SB 582.
- Prisoners, released, monetary grants, payment provisions, \*Sub HB 561, CH. 171 EX.
- Probationers, prisoners, felons, aid program, created, \*SB 196, CH. 31 EX.
- Revocations, rehabilitation prospects, hearings, general revisions, SB 431.
- Sentences, suspended, civil rights restoration provisions, \*HB 311, CH. 188 EX.
- Termination date, establishment provisions, \*HB 311, CH. 188 EX.
- Work release, prisoners, approval provisions revised, \*SB 125, CH. 58 EX.

**PROFESSIONS:**

- Licenses, certain, fees increased, SB 51, \*Sub SB 51, CH. 266 EX.

**PROGRAM PLANNING AND FISCAL MANAGEMENT OFFICE:**

- Appropriations, state government, fund allotments, altering, limiting, provisions, \*Sub HB 151, CH. 275 EX. PV.
- Colleges, universities, capital projects, anticipated expenditures, report required, \*Sub HB 152, CH. 276 EX. PV.
- Evergreen state college, pay, classification plans, fiscal impact, review, alteration authority, approval provisions, SB 423, \*Sub HB 545, CH. 170 EX.
- Howe, Walter C., Jr., director, appointment, confirmation, \*\*GA 22 . . . . . pp. 99, 1444, 1614
- Legal services, state agencies, attorney general payment, fund allocation, provisions, \*SB 648, CH. 71 EX.
- Public services, state, local, funding, study, HCR 11.
- Services, personal, state, contracts, filing required, \*Sub HB 151, CH. 275 EX. PV.
- Travel, state employees, out-of-state, expenditures, minimum level, approval, provisions, \*Sub HB 151, CH. 275 EX. PV.

**PROPERTY:**

- Airports, open space land tax basis, HB 155.
- Assessments, special, parking, business improvement areas, cities, towns, counties, levy authorized, \*SB 130, CH. 45 EX.
- Blood banks, nonprofit, tax exempt, \*HB 1123, CH. 206 EX.
- Cities, condemned property, immediate possession, rights, SB 319.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PROPERTY—Continued:

- Civil defense activities, emergency service damage, compensation provisions, \*SB 56, CH. 8 EX.
- Deeds of trust, statute revision, HB 408.
- Destruction, wilful, over \$75.00 damage, felony, \*HB 697, CH. 152 EX.
- Electric generating facilities, steam powered, taxation, provisions, SB 852.
- Housing project, definition expanded, \*SB 311, VETOED.
- Insurance, cancellation provisions, SB 491.
- Leasehold estates, public, rentals, certain considerations, deductions, SB 331, \*HB 493, CH. 43 EX.
- Taxes, absorption, lease modification provisions, \*HB 493, CH. 43 EX.
- Parks, property conveyances, governmental units, provisions, \*SB 185, CH. 243 EX.
- Personal, leased, rented, failure to return, crime, \*HB 234, CH. 61.
  - Subject to security, rental agreements, sale, removal, crime, \*HB 234, CH. 61.
- Port districts, commercial profit use, tax payment provisions, SB 803.
- Public, intergovernmental, transfers, authorized, SB 392.
- Religious, sectarian, nonprofit organizations, real property taxes, exemptions, \*HB 38, CH. 64 EX.
- School, annexation to cities, towns, permitted, SB 148, \*HB 250, CH. 69.
- Schools, colleges, private, tax exempt, description, expanded, \*HB 1123, CH. 206 EX.
- Sectarian organizations, religious, nonprofit, taxes, exemption, \*HB 38, CH. 64 EX.
- Solid waste collection districts, unpaid fees, collection procedures, lien provisions, \*SB 52, CH. 293 EX. PV.
- Surplus, intergovernmental transfers, authorized, SB 392.
- Tangible, personal, displayed six months, taxes imposed, SB 920.
- Tax, permanent committee created, duties, appropriation, \*Sub HB 283, CH. 288 EX. PV.
- Taxes, assessed valuation, increase, payment under protest, provision removed, \*SB 925, 25%, 40 mills, \*SJR 1.
  - Delinquent interest rate, reduced, SB 917.
  - Evaluation procedure, improperly performed, notice distribution provision, \*SB 925, CH. 42 EX.
  - Hops in transit, exempted, SB 819, \*HB 860, CH. 137 EX.
  - Income, school district imposition, authorized, SB 634, SB 927.
  - Increase, 106% limitation, SB 1, SB 855, \*Sub HB 283, CH. 288 EX. PV.
  - Information manual, taxpayer petition, appeal preparation purposes, provision, HB 167.
  - Levies, excess, fire protection districts, any purpose, special election, provisions, SB
    - School districts, elections, provisions, SB 476.
    - Salary allocation, amounts indicated, SB 309.
    - Townships, assessment authorized, SB 851.
    - 3/5 majority, 40% previous election vote, \*HJR 47.
    - Special, limited, income tax imposed, tax structure revised, SB 923.
  - Nurseries, growing stock, listing required, \*SB 515, CH. 18 EX.
  - Regular, cyclical revaluation plan, implementation, maximum millage rate, limitation, SB 890.
  - Revaluations, increases, entire county requirement, SB 424.
  - Schools, colleges, private, tax exempt, description, expanded, \*HB 1123, CH. 206 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PROPERTY—Continued:

- State levy, ¼ mill increase, property revaluations, investigative purposes, HB 307, \*Sub HB 283, CH. 288 EX. PV.
- 2 mills, public assistance allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV, \*Sub SB 897, CH. 299 EX. PV.
- School district allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- 4 mills, schools, public assistance allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- State school aid, distribution, millage, formula revised, SB 221.
- Trust, income, principal classification, distribution, share rights, trustee appointment, \*HB 66, CH. 74.

## PROPERTY – PERSONAL:

- Display items, trade shows, use tax, exempt, \*Sub SB 897, CH. 299 EX. PV.
- Livestock, tax assessment, monthly average holdings basis, HB 881.
- Mobile homes, tax, imposition, \*Sub HB 69, CH. 231 EX.
- Stolen, pawnbroker acquisition, possession, court actions, provisions, SB 439.
- Taxes, business inventory, credit allowance, other taxes, provisions, SB 546, SB 924.
- Personal property, mobile homes, imposition, \*Sub HB 69, CH. 231 EX.
- Tangible property, displayed six months, imposed, SB 920.
- Use tax, reduction provisions, SB 924.

## PROPERTY—REAL:

- Assessors, examination, licensing, \*HB 166, CH. 27 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- Condemned, building moving procedures, HB 396.
- Certain, condemnees, attorney, expert witness fees, authorized, SB 770, \*Sub SB 770, CH. 240 EX.
- Conservation futures, open space land, purchase authorized, HB 586, \*SB 185, CH. 243 EX.
- Counties, conservation futures, purchase provisions, HB 586.
- Fire protection districts, excess tax levies, over permissible limits, special elections, provisions, \*SB 269, CH. 105 EX.
- Increased levies, special elections, provisions, \*SB 269, CH. 105 EX.
- Foreclosure, sale, redemption period extended, SB 70.
- Governmental acquisition, taxes, pro rata allocation, payment, provisions, \*SB 144, CH. 260 EX.
- Highways, condemnation actions, real estate, court costs, state payment provisions, SB 226, Sub SB 226.
- Condemned, set-offs benefits determination, time period, HB 138.
- Homestead, value, amounts increased, \*SB 496, CH. 12 EX.
- Insured policy amount, deemed true value, SB 473.
- Irrigation districts, sale, adjacent owners notice, purchase preference, \*HB 337, CH. 125 EX.
- Leasehold estates, public, rentals, certain considerations, deductions, SB 331, \*HB 493, CH. 43 EX.
- Taxes, absorption, lease modification provisions, \*HB 493, CH. 43 EX.
- Local improvement districts, assessments, economically disadvantaged, payment deferral, provisions, HB 1070(a).

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PROPERTY — REAL—Continued:

- Payment deferrals, lien imposition, provision, SB 589, SB 760.
- Nonmotorized recreation, easement, access, use, grant provision, SB 561.
- Open space land, conservation futures, purchase provisions, HB 586, \*SB 185, CH. 243 EX.
- Parks, dedicated property, first class cities, exchange permitted, \*SB 219, CH. 16 EX.
  - Public, eminent domain acquisition, equivalent substitution, required, SB 706.
- Platted, underground wiring, new installations, requirements, SB 275.
- Private, dog biting, individuals, invitees, liability, HB 606.
- Public lands, adverse possession claims, invalid, SB 762.
  - Transferred to private ownership, taxing provisions, \*HB 728, CH. 44 EX.
- Public works, condemnations, displacees, uniform relocation program, compensation, provisions, SB 770, \*Sub SB 770, CH. 240 EX.
- Real estate sales, excise tax, corporate controlling interest, including timber, provisions, SB 644.
- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- Rent, default, \$200 or less, summons, complaint provision, amount increased, SB 453.
- Revaluation, county plans, assistance, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Right of entry, natural resources department employees, property examinations, surveys, provision, SB 340, \*HB 300, CH. 49 EX.
- Sectarian organizations, nonprofit, exemption, \*HB 38, CH. 64 EX.
- Senior citizens, exemption schedule revised, increased, SB 45.
- Subdivisions, plats, hearings publication notice defects, validation, \*SB 391 VETOED.
- Taxation, revenue, general revisions, SB 753.
- Taxes, advisor, counties, appointment, duties, \*Sub HB 283, CH. 288 EX. PV.
  - Assessed valuation, increase, payment under protest, provision removed, \*SB 925, CH. 42 EX.
    - One percent, income tax imposed, tax reform act, SB 924.
  - Value, prior, new, taxpayer notice, county assessor, required, \*Sub HB 283, CH. 288 EX. PV.
- Assessment roll, development, use restrictions, recording, required, HB 167(a).
- Assessments, local improvement districts, nature, amount, owner notice requirement, HB 704.
- Certain exemption requests, procedures, fees, SB 779.
- Cyclical revaluation program, periodic inspections, revisions, county assessor, required, \*Sub HB 283, CH. 288 EX. PV.
  - Ratios, revenue department, duties, \*Sub HB 283, CH. 288 EX. PV.
- Delinquent, entire payment, prior to segregation, required, \*SB 37, CH. 48 EX.
  - Penalty interest amount, increase provision, \*Sub HB 283, CH. 288 EX. PV.
- Erroneous payment, refund provision, HB 110, SB 326, \*Sub HB 283, CH. 288 EX. PV.
- Evaluation procedure, improperly performed, notice distribution provision, \*SB 925, CH. 42 EX.
- Evaluations, illegal, unconstitutional, county assessor, owner notice required, \*Sub HB 283, CH. 288 EX. PV.
- Fire protection district levies, over permissible limits, special elections, provisions, \*SB 269, CH. 105 EX.
- Governmental acquisition, pro rata allocation, payment, provisions, \*SB 144, CH. 260 EX.
- Owners evaluation, value establishment purposes, \*Sub HB 283, CH. 288 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## PROPERTY — REAL—Continued:

- Payment deferrals, certain retired, disabled persons, lien provisions, SB 603.
- Exemptions, revaluations, increase limitations, provisions, SB 855, \*Sub HB 283, CH. 288 EX. PV.
- Retirement homes, exemptions, revised, SB 45.
- Revaluation adjustments, inspectional intervals, statistical data use authorized, SB 296, SB 855.
- Program, periodic inspection, revisions, county assessors required, SB 924.
- Revenue, received, anticipated, county treasurer, state report requirement, \*Sub HB 283, CH. 288 EX. PV.
- Senior citizens, apartments, cooperative association, residence, exemption purposes, definition inclusion, SB 916.
- Exemption increased, SB 45, SB 568, SB 753, SB 834.
- Title only, SB 772.
- True, fair value, taxation purposes, defined, \*Sub HB 283, CH. 288 EX. PV.
- Tuberculosis facilities, funding, levy provisions, \*HB 313, CH. 277 EX. PV.
- Valuation, changes, \$1,000 or more, owner notice requirements, SB 427.
- Women, totally disabled, exemption provision, SB 45.

## PROPHYLACTICS: (see also Contraceptives)

- Vendors, law, repealed, SB 768.

## PROSECUTING ATTORNEYS:

- Counties, third class, private practice, salary provisions, revised, \*SB 512, CH. 237 EX.
- Fourth class, locus of state university, college, salary provision, \*SB 512, CH. 237 EX.
- Office, nonpartisan, SB 14.
- Salaries, one half, state payment, requirement, repealed, HB 487.

## PSYCHOLOGY:

- Disability insurance, psychological services, contract, coverage, SB 379, \*HB 684, CH. 197 EX.

## PUBLIC ASSISTANCE:

- Alcoholics, recipients, rehabilitation patients, assistance continued, SB 215, Sub SB 215.
- Blind, services, jurisdiction transferred, blind commission, Sub SB 93.
- Burials, graves, more than one body, payment not authorized, SB 841.
- Child support, debt, public assistance lien permitted, \*Sub HB 257, CH. 164 EX.
- Committees, various advisory, membership, aid recipients, SB 839.
- Community programs for aging, local funds, state matching fund allocation, \*HB 416, CH. 169 EX.
- Eligibility, inability to obtain employment, denial not permitted, SB 455.
- Funds, emergency, current biennium, public assistance division appropriation, SB 919.
- Grants, increased, actual cost of living basis, SB 838.
- Maximums, establishment, departmental authority repealed, SB 825.
- Liens, medical aid, attorney fees, proportioned share, SB 114.
- Minors, institutionalized, personal funds, applicable, public assistance purposes, \*HB 416, CH. 169 EX.
- Programs, federal government funding, requested, \*SJM 5.
- Special, services improvement, experimentation, nonappropriated funds use, provisions, \*Sub HB 915, CH. 309 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PUBLIC ASSISTANCE—Continued:

- Recipients, care, services, vendors' payments, increase provisions, SB 407.
- Community-based work training programs, employment, financing, provision, \*Sub HB 151, CH. 275 EX. PV.
- County, infirmary services, payment provisions, \*HB 313, CH. 277 EX. PV.
- Fraudulent, ineligible, reporting, reward, court suit, provisions, SB 747.
- Health care, title only, SB 575.
- Identicators, issuance provisions, \*HB 798, CH. 65 EX.
- Injured, department aid, recovery awards, lien, \*SB 179, CH. 306 EX. PV.
- Institutionalized mental patients, eligibility limitation deleted, \*HB 416, CH. 169 EX.
- Nursing homes, supplemental budget appropriation, SB 388.
- Rent payments, highway relocation, duplications, allowance determination, \*SB 172, CH. 9 EX.
- Residency requirement removed, \*HB 416, CH. 169 EX.
- Workmen's compensation, time loss payments, departmental lien, Sub HB 314.
- Social, health services department, creation, definition reflection, updated, HB 929.
- Tax levies, property, state, two-mill allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV., \*Sub HB 283, CH. 288 EX. PV.
- Vendors, rate committee, powers, duties, expended, \*SB 408, CH. 298 EX. PV.
- Warrants, lost, duplicate issue, bond requirement, not applicable, \*SB 137, CH. 54 EX.
- Welfare frauds, certain cases, attorney general prosecution, authorized, HB 682.

## PUBLIC LANDS:

- Access, right-of-way condemnation provision, HB 48.
- Adverse possession, claims invalid, SB 762.
- Cities, first class, dedicated property, parks, exchanges permitted, \*SB 219, CH. 16 EX.
- Ecological study purposes, college, school use, areas reserved, SB 405.
- Forests, certain tidelands, management expenses, income allocation, provisions, SB 339.
- Ike Kinswa state park recreation area, named, \*HB 30, CH. 50.
- Mason county cemetery district, state forest land, one acre, deed, authorized, \*SB 858, CH. 90 EX.
- Mayfield Lake state park, renamed, Ike Kinswa state park recreation area, \*HB 50, CH. 50.
- Multiple use, provisions, \*SB 314, CH. 234 EX.
- Ocean beaches, declared public areas, SB 111.
- Parks, disposal, higher bids authorized, \*SB 288, CH. 246 EX.
- Private ownership, transfer, taxing provisions, \*HB 728, CH. 44 EX.
- Resources, fallen timber, gravel, small sale procedures, revisions, \*HB 237, CH. 123 EX.
- Sale, title only, HB 1063.
- Sales, leases, natural resources department, expenses, allowable reimbursement, income percentage provisions, \*HB 477, CH. 224 EX.
- School districts, colleges, sales, leases, grant lands, school site use, provisions, \*HB 464, CH. 200 EX.
- Lands, state, park use, cities, towns, lease provisions, \*SB 288, CH. 246 EX.
- Sequest state park, addition, adjacent lands, exchange authorized, \*SB 858, CH. 90 EX.
- Skagit, Whitman counties, Washington State University sales, leases, authorized, \*HB 391, CH. 228 EX.
- Social and health services, Spokane county land, excess, sale provisions, HB 1063.
- State land planning commission, created, powers, duties, \*HB 865, CH. 287 EX. PV.
- State, multiple land use, provisions, \*SB 314, CH. 234 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## PUBLIC LANDS—Continued:

- Sustained yield, plans, provision, \*SB 314, CH. 234 EX.
- Withdrawal, certain, public, educational purposes, provisions, \*SB 312, CH. 4.
- Surplus property, intergovernmental transfers, authorized, SB 392.
- Tidelands, Ballard area, community college board, state conveyance, \*SB 82, CH. 241 EX.
- Shorelands, certain leases only, provisions, SB 178.
- State, first, second classes, sale, prohibition provision, SB 178, \*HB 40, CH. 217 EX.
- Transfers, intergovernmental, authorized, SB 392.
- Trust lands, school sites, sales, acreage increased, SB 337.
- State parks use, rentals, natural resources department payments, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Sale to parks and recreation commission, SB 854, \*HB 721, CH. 210 EX.
- Transfers to parks and recreation commission, SB 831.
- Use, data bank, design expansion, natural resources department, provision, \*SB 314, CH. 234 EX.
- Zones, local ordinances, natural resources department jurisdiction, compliance provision, \*SB 314, CH. 234 EX.

## PUBLIC PLACE:

- Redefined, HB 905, \*HB 876, CH. 208 EX.

## PUBLIC UTILITIES:

- Communication, facilities, use, gambling activities, reporting provisions, SB 794.
- Contracts, purchases, certain provisions, \*HB 813, CH. 220 EX.
- County road, public highways, construction, improvements, facilities relocation, cost payment provision, SB 718.
- Districts, double amendment, previous session, technical correction, \*HB 98, CH. 12.
- Generating facilities, reservoir, privilege tax funds, school district allocation, provision, SB 886.
- Sewer systems, service, acquisition, construction, SB 674.
- Water systems, sale, without voter approval, provision, HB 708.
- Electrical, contractor bid proposal, financial, experience statement filing, required, \*HB 813, CH. 220 EX.
- Highways, facility relocation, title only, SB 787.
- Interstate highways, construction, improvements, facilities relocation, cost payment provision, \*SB 486, CH. 262 EX.
- Municipal utilities, city, town services, facilities, reduced rates, no costs, provisions, SB 822.
- Property, real, adverse possession claims, invalid, SB 762.
- Public highways, construction, improvements, facilities relocation, cost payment provisions, SB 814.
- Public service companies, general amendments, \*HB 229, CH. 143 EX.
- Relocation, facilities, county road construction, improvements, cost payment provisions, SB 718.
- Services, bills, each utility, separate amount, indicated, HB 753.
- Underground wiring, electrical, communication facilities, installation, costs provision, \*SB 164, CH. 103 EX.
- Utilities and transportation commission, actions, review, court appeals, time, procedure limitations, revised, \*SB 449, CH. 107 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**PUBLIC WORKS:**

- Building projects, all, local code adherence, SB 19.
- Cities, towns, over \$5,000 cost, high bid rejection, construction by municipality authorized, \*SB 863, CH. 116 EX.
- Colleges, universities, building construction, remodeling, demolition, over \$10,000 cost, bids required, \*SB 373, CH. 258 EX.
- Condemnations, displacees, uniform relocation, compensation, provisions, SB 770, \*Sub SB 770, CH. 240 EX.
- Contractors, in lieu performance bonds, contract amount retention, percentage provision revised, SB 578.
  - Title only, SB 826.
- Contracts, nondiscrimination clauses, required, Sub HB 541, SB 398.
- Employment, residency requirement, removed, SB 640.
- Local, advance planning, provisions, HB 680.
- Port districts, contracts, bids, provision revised, \*SB 373, CH. 258 EX.
- Public improvements, contract amounts, retained percentage tax lien priority, increased to \$20,000, \*Sub SB 897, CH. 299 EX. PV.
- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- State, local, improvements, supplemental appropriation, Sub HB 777.

**PUBLICATIONS:**

- Appeals court, decisions, precedential value opinions, publication provisions, SB 390, \*Sub SB 390, CH. 41.
  - Publication, supervision commission jurisdiction, \*SB 447, CH. 42.
- Reports, publication, distribution, provisions, \*SB 447, CH. 42.
- Constitutional amendments, notice, newspaper publication provision, repeal, HJR 28.
  - State debts, minority newspapers, publication provision, HB 259.
- Debts, state, newspaper notice, one-time publication provision, HJR 27(a).
  - Publication provision repealed, HJR 27.
- Ordinances, municipal, resumes permitted, HB 207, SB 21.
- Publication supervision commission, supreme, appeals courts decisions, membership, appeals court judge added, \*SB 447, CH. 42.
- School code, common, manual publication, sale provisions, \*SB 531, CH. 100 EX.
- Secretary of state, revolving fund, printing, distribution costs payment, \*HB 221, CH. 122 EX.
- Session law, statute law committee, appropriation, \*HB 878, CH. 5 EX.
- Subdivisions, plats, hearings publication notice defects, validation, \*SB 391 VETOED.
- Voters' pamphlets, photographs, statements, space, contents, costs, general revisions, SB 343, \*HB 364, CH. 145 EX.

**PUBLISHERS:**

- Advertisements, unfair, deceptive, liability, knowledge required, SB 792(a).

**PUGET ISLAND:**

- Westport, Oregon, ferry system, maintenance, operation payments, authorized, HB 356(a), \*SB 567, CH. 254 EX.
  - Maintenance payments authorized, HB 356, SB 173.

**PUGET SOUND:**

- Beaches, vehicular traffic, regulation, HB 555, SB 111.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

PUGET SOUND—Continued:

- Cross sound transportation, evaluation, financing, development plan, authorized, \*HB 659, CH. 149 EX.
- Drilling, oil, gas, prohibited, SB 22, \*HB 584, CH. 286 EX. PV.
- Ferry operation account, created, SB 915, \*Sub SB 915 VETOED.
- Ferry system, motor vehicle fuel tax, percentage, allocation, SB 915, \*Sub SB 915 VETOED.
- Fishing, commercial, special harvest, gill nets, purse seines, use, provisions, SB 655, SB 752, \*HB 687, CH. 283 EX. PV.
- Industry, dispersion, authority created, SB 39.
  - Diversification, authority created, SB 41.
    - Dispersion, mortgage insurance authority, SB 33.
    - Tax exemptions, SB 34.
- Oil, spills, tanker use alternatives, study, \*HCR 12.
- Vessel pilots, service payment coverage provision, \*SB 465, CH. 297 EX. PV.
  - Services, performance, investigation, hearing provisions, \*SB 465, CH. 297 EX. PV.

PURCHASING:

- Appeals board, created, duties, SB 305.
- Fish feed, public contracts, 5% differential, in-state purchases, authorized, \*SB 903 VETOED.
- Motor vehicles, state, propulsion systems, pollution information, HB 544.
- School districts, private schools, joint purchasing, authorized, \*SB 266, CH. 26.
- Stamps, coins, used, collector's items, police report, required, SB 519.
- State law, specifications, low bidders, revisions, SB 181.

PUTNAM, ROBERT H.:

- Personnel board, member, appointment, GA 61 . . . . . p. 187

RACING:

- Greyhound, provisions, SB 370.
- Horse, commission abolished, SB 422.
  - Commission, members, number increased, appointment provisions, HB 668(a).
    - Quarterhorse breeder, membership provision, HB 668.
    - Thoroughbred breeder, additional member, provision, HB 668(a).
  - Meet participation, annual license fee, increased, HB 308(a).
  - Racing commission establishment, HB 308.
  - Sweepstakes, state, authorized, SB 888.

RAFFLES:

- Authorized, charitable, nonprofit organizations, SB 200, \*HB 291, CH. 280 EX. PV.

RAILROADS:

- Cars, reflective markings, petitioned, \*HJM 3.
- Crossings, all school buses, stop required, HB 163.
- Grade crossings, outside cities, towns, speed, regulation, \*HB 229, CH. 143 EX.
- Rail system, basic, Pacific northwest inclusion, petitioned, HJM 8, SJM 3.

RANDLE:

- Cispus Job Corps Center, U.S. present to state, petitioned, HJM 7.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

REAL ESTATE:

- Brokers, salesmen, regulation, general revision, HB 501, SB 382.
- Brokers, school district lands, sales authorized, HB 466.
- Right of entry, natural resources department employees, property examinations, surveys, provision, SB 340, \*HB 300, CH. 49 EX.
- Sales, excise tax, corporate controlling interest, including timber, provisions, SB 644.
- Taxes, excise, exemption affidavits, filing fee, HB 252.

REAPPORTIONMENT: (see also Redistricting)

- Congressional districts, seven districts, HB 873(a).
  - Title only, HB 873.
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  - Problems, interim work, expenses, appropriation, \*Sub SB 926, CH. 301 EX. PV.
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- Public officials, signature filing, time limitation provisions, \*Sub HB 214, CH. 205 EX.

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- Motor carriers, proportional registration, mileage computation, revised, \*HB 54, CH. 51.

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- County, certain, retention period, reduced, \*SB 40, CH. 29.
- Employers, inspection, industrial compensation purposes, availability, \*SB 619, CH. 255 EX.
- Legislative, public, private, state archives, preservation provisions, SB 90, \*Sub SB 90, CH. 102 EX.
- Local, public, disposition schedules, \*SB 302, CH. 10 EX.
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- Metal dealers, sales requirements, HB 412.
- Motor vehicle department, five years old, destruction, authorized, \*SB 47, CH. 22 EX.
  - Owners, operators, sale prohibited, SB 155.
- Records, information, departmental release authority, limitations, SB 155.
- Motor vehicles, commercial, driving experience abstracts, insurance use, restricted, SB 256.
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- Public, open, inspection provisions, SB 477.

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- Courts, superior, electronic, proceedings, SB 243.
- Dangerous drugs, sales, private conservations, transmitting, recording, provisions, HB 513, SB 381.
- Legislative, state archives, preservation, SB 90, \*Sub SB 90, CH. 102 EX.
- Sales, manufacturer’s name, address, identification required, \*SB 658, CH. 113 EX.

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- Archives, public, personal, preservation provisions, sound recordings, SB 90, \*Sub SB 90, CH. 102 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**RECREATION:** (see also Parks and Recreation)

- All-terrain vehicles, trails, funds allocation, provisions, \*Sub SB 372, CH. 47 EX.
- Cities, towns, open space, facilities development, indebtedness, increase, authorized, \*SB 177, CH. 38.
- Colleges, universities, intercollegiate programs, athlete financial assistance, funds, sources, provisions, \*SB 35, CH. 28 EX.
- Marine projects, costs, marine fuel tax, use, amount limitation revised, \*HB 212, CH. 140 EX.
- Trails, inventory, existing, potential routes, committed for outdoor recreation, preparation provision, \*Sub SB 372, CH. 47 EX.
  - Severance, destruction, highway construction causes, alternate trails, planning provisions, \*HB 1060, CH. 130 EX.
- Trust lands, presently parks, sale to parks and recreation commission, SB 854, \*HB 721, CH. 210 EX.
  - Transfer to parks and recreation commission, SB 831.

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- Andersen, Senator James A., remarks, attorney general's message . . . . . pp. 91, 94-95
- Attorney general, message, operations . . . . . pp. 91, 94-95
- Committee, special, legislative council, created, duties, HCR 43.
- Congressional districts, reapportionment, seven districts, HB 873(a).
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- Drug, alcohol, education, program established, Sub HB 219, \*SB 273, CH. 304 EX. PV.
- Felons, furloughs, rehabilitation purposes, established, SB 283, \*SB 125, CH. 58 EX.
- Vocation, continued paymental, training program, industrial insurance compensation authorized, \*SB 68 VETOED.

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- Spokane community college, trustee board member, appointment, GA 2 . . pp. 96, 1318

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- Default, real property, \$200 or less, summons, complaint provision, amount increased, SB 453.
- Harbor areas, leases, governmental agencies, department management fee, determination, SB 147, Sub SB 147.
- Rate, provisions, Sub SB 147.
- Motor vehicles, trailers, leased, rented, nonresident interstate operations, passengers,

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## RENTALS—Continued:

- property transportation, excise tax exempt, SB 352, \*Sub SB 352, CH. 11 EX.
- Property, leased, rented, failure to return, crime, \*HB 234, CH. 61.
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- Public assistance recipients, relocations, rent payment, duplication, allowance determination, \*SB 172, CH. 9 EX.

## RESERVATIONS:

- Indians, fishing, treaty rights exercise, arrest immunity, SB 721.
- Off-reservation, steelhead fishing, prohibited, SB 110.

## RESTAURANTS:

- Class H licensees, minor employees, serving, selling, permitted, HB 875.

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- Age 60, state-wide city retirement system, general provisions, SB 499.
- Associations, cities, towns, employees, state-wide city system, membership authorized, SB 756.
- Political subdivisions, public employees, retirement system, membership authorized, \*SB 522, CH. 271 EX.
- City employee system, benefits, inheritance tax exempt, HB 897.
- City, town associations, state-wide city employees, retirement system, membership authorized, SB 756.
- College, university, faculty, employees, certain, teachers' retirement system, membership, provisions, \*SB 368, CH. 261 EX.
- Executive department, officials, public employees' system, membership provision, \*SB 522, CH. 271 EX.
- Fire, police system, state administrative costs, local government apportionment, \*HB 210, CH. 216 EX.
- Firemen, pre-1961, pension benefits, increased, SB 592.
- Prior service, certain, credit provisions, SB 204, SB 353.
- Higher education, classified employees, age 65, 30 years service, provisions, HB 1031.
- Judges, appeals court, retirement system inclusion, \*SB 79, CH. 30.
- Public employees' system, former membership reinstatement, prior service credits, SB 809(a), \*SB 59, CH. 267 EX.
- Judicial system, courts of record, established, \*SB 59, CH. 267 EX.
- Law enforcement, fire fighters' system, duties transferred, finance and business regulation department, SB 711.
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- Law enforcement officers' and fire fighters' system, general revisions, SB 186, SB 204, \*Sub SB 354, CH. 257 EX.
- Prior service, certain, credit provisions, SB 204, SB 353.
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- Police, firemen, certain medical benefits, retirement fund system payment provision, SB 820.
- Non-service injury, sickness benefits, medical plan coverage limitation, SB 688.
- Permanently disabled, allowance, immediate payment provision, SB 802.
- Service completion, non-medical plan benefits, coverage, removed, SB 689.
- Public employees' board, lieutenant governor, member, SB 320.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



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- Funds, certain limited partnerships, investment authorized, SB 898.
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- Savings fund, not withdrawn, transfer provisions, \*SB 522, CH. 271 EX.
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- State employees, age 65, 30 years service, provisions, HB 1031.
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- Funds, Asian development bank obligations, investment authorized, HB 349.
- Sex distinction, members, beneficiaries, tables, eliminated, SB 500.
- State-wide city employees' system, public system consolidation, SB 190, \*HB 158, CH. 75.
- Teachers, accumulated leave time, credit, retirement purposes, provision, \*HB 346, CH. 203 EX.
- Post retirement pension adjustments, SB 169.
- Retirement allowance, insurance premiums, deductions authorized, \*HB 434, CH. 63.
- Teachers' retirement system, duties transferred, finance and business regulation department, SB 711.
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- Private school transfers, service credit provisions, SB 268.
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- University, faculties, employees, retired, ineligible for social security, pension benefits, increased, SB 78, \*HB 125, CH. 76 EX.
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- Equalization board, duties transfer, code correction, SB 258.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
\*\*Appointment confirmed.  
GA—Gubernatorial Appointment.  
SFR—Senate Floor Resolution.  
(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Elevators, division of safety, administration, SB 61, \*HB 320, CH. 66.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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- Colleges, universities, faculties, employees, increases, same job classification, not permitted, \*Sub HB 151, CH. 275 EX. PV.
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- Community colleges, operating expenses, class room instructors, 50% requirement, SB 805.
- County officials, county class reduction, population losses, salaries not included, SB 220.
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- County prosecutors, one-half salaries, state payment, requirement, repealed, HB 487.
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- Court reporters, judicial districts, size reduced, compensation increased, SB 732.
- Discrimination, employment, sex basis, prohibited, SB 7, \*2nd Sub HB 594, CH. 81 EX.
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- Social and health services employees, tax deferred annuities, provisions, SB 272.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## SALARIES AND WAGES—Continued:

- State employees, increases, same job classification, not permitted, \*Sub HB 151, CH. 275 EX. PV.
- Over \$15,000, yearly merit increases, prohibited, \*Sub HB 151, CH. 275 EX. PV.
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- Cancellation, installment sales contract, three-day notice period, registered mail provision, HB 67.
- Cigarettes, wholesaler, retailer, basic cost discounts, stamp affixing costs, percentages increased, SB 798.
- Colleges, universities, building, construction, prevalent community wages, payment required, SB 374.
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- Credit, consumer, uniform code enacted, SB 213.
- Fire extinguishers, systems, safety standards established, SB 600.
- Fireworks, use, sale, general public prohibited, supervised displays, regulated, SB 764.
- Fish, wildlife, dangerous, deleterious to environment, native fish, wildlife, possession, sale, prohibited, \*HB 106, CH. 166 EX.
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- Metal dealers, record requirements, HB 412, \*Sub SB 441, CH. 302 EX. PV.
- Mortgages, trust deeds, foreclosure, redemption period extended, SB 70.
- Prisoners, certain prison produced goods, articles, authorized, SB 229.
- Property, deeds of trust, statute revision, HB 408.
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- Lands, resources, fallen timber, gravel, small sale procedures, revisions, \*HB 237, CH. 123 EX.
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- Tapes, recordings, retail, manufacturer's identification requirement, \*SB 658, CH. 113 EX.
- Tax, installment, interest rate, increased to 15%, HB 718.
- Title only, SB 558.
- Local, expiration date, repealed, HB 505.
- Sales, use, local, city share limitation, expiration date removed, SB 806.
- Toilet preparations, 20%, imposed, SB 859.
- Use, local, clarified, SB 650.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SALARIES AND WAGES—Continued:

- Tidelands, shorelands, state, first, second classes, sale, lease, provisions, SB 112, \*HB 40, CH. 217 EX.
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- Washington state university, public lands, certain, sales, leases, authorized, \*HB 391, CH. 228 EX.
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- Eggs, fish farming, aquaculture purposes, supply provisions, \*Sub SB 142, CH. 35.
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

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Busing, students, without parental permission, budget fund use, prohibited, \*Sub HB  
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Directors, certain class AA counties, four year terms, SB 406.

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Educational service corporations, demonstration schools, contracts authorized, SB  
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\*SB 559, CH. 263 EX.

First class, director districts, class A counties, elections, provisions, SB 569.

Fiscal agencies, designation provision revised, \*HB 437, CH. 79 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## SCHOOL DISTRICTS—Continued:

- Forest tax, yield basis, certain income, proportion allocation provision, SB 849, \*Sub SB 849, CH. 294 EX. PV.
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  - State monthly apportionment schedule, revised, SB 158.
- Handicapped children, education, special aid program, SB 66, \*HB 90, CH. 66 EX.
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  - Students, coverage, all types, provisions, \*SB 298, CH. 269 EX.
- Health, protection, employees, staff, provisions, SB 396, Sub SB 396, \*SB 298, CH. 269 EX.
- Intermediate, administration, operations, finances, general revisions, \*HB 86, CH. 282 EX. PV.
  - Board director vacancies, appointment provisions, \*HB 108, CH. 53.
  - Boards, memberships, qualifications, residency, duties, provisions revised, \*HB 86, CH. 282 EX. PV.
  - Boundaries, number changes, property, assets transfers, state board of education, authorized, \*HB 86, CH. 282 EX. PV.
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  - Funding, alternate systems, study, \*HB 86, CH. 282 EX. PV.
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  - Regional educational service agencies, establishment, provision, \*HB 86, CH. 282 EX. PV.
  - Superintendents, qualifications, duties, provisions revised, \*HB 86, CH. 282 EX. PV.
  - Weighted student enrollment, actual enrollment reporting provisions, SB 535.
- Investments, funds, interfund loans, transfer, rules, SB 132.
- Joint, created by consolidation, administration, funding, highest county classification provision, SB 464.
- Land, sales, real estate brokers, use authorized, HB 466.
- Mediation, conciliation, fact-finding service, superintendent of public instruction office, provisions, HB 1094(a), SB 464(a).
- Motor vehicle excise taxes, July apportionment, fiscal year, crediting, \*HB 486, CH. 80 EX.
- New, number of directors, provisions, duties, \*HB 118, CH. 67.
- Non-high, high school district services, payments, HB 479.
- Numbering system, state education board, responsibility, \*HB 109, CH. 54.
- Personnel, certificated, negotiations, title only, HB 1094, SB 872.
- Principals, supervisory personnel, negotiation, employee organization membership, optional, SB 653.
- Property, annexation to cities, towns, permitted, SB 148, \*HB 250, CH. 69.
- Public grant lands, sales, leases school site use, provisions, \*HB 464, CH. 200 EX.
- PUD's, generating facilities, reservoir, privilege tax funds, allocation provision, SB 886.
- Purchasing, joint agencies, private schools, authorized, \*SB 266, CH. 26.
- Rescheduled, extended school year, provision, HB 497, SB 540.
- Research services, private individuals, agencies, contracts authorized, \*SB 168, CH. 93 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## SCHOOL DISTRICTS—Continued:

- Sabbatical leaves, employees, certain number, authorized, \*Sub HB 151, CH. 275 EX. PV.
- Stipends, 1971-73 biennium, granting, authority suspended, SB 867.
- School day redefined, SB 788, \*HB 863, CH. 161 EX.
- Small school plants, certain, state aid continued, SB 44.
- Special levies, title only, SB 328.
- State aid, distribution, millage, formula revised, SB 221.
- Local district revenues, matching percentages, revised, SB 580.
- Weighted student enrollment, actual enrollment reporting provisions, SB 535.
- Students, conduct, rights, written rules, adoption, distribution, SB 758, \*SB 98, CH. 268 EX.
- Substantive rights enumerated, SB 782.
- Part time, ancillary services, financial aid provisions, SB 265.
- Transportation, without parental permission, budget funds use, prohibited, \*Sub HB 151, CH. 275 EX. PV.
- State fund use, prohibited, SB 317.
- Tax levies, excess, elections, provisions, SB 476.
- Salary allocation, amount indicated, SB 309.
- Property, state, school district allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV, \*Sub SB 897, CH. 299 EX. PV.
- Special, relief, income tax, percentage, use, determination provisions, SB 924.
- Teachers, contracts, supplemental, continuing, provisions, SB 303.
- Tuition free attendance, racial balance programs, participation, written parental consent, SB 327.
- Vocational education, programs, implementation, rules, regulations, SB 692, \*HB 491, CH. 285 EX. PV.
- State board adoption, SB 539.
- Public school programs, implementation, state education board rules, regulations, SB 539.
- Weighted enrollment, reimbursement program, state funds, annual percentage amount, increased, SB 724.
- Weighting schedule, average district salaries, costs factor, SB 207.
- Small districts, extra weighting, support purposes, SB 44.

## SCHOOLS: (see also Colleges and Universities, also Community Colleges)

- Blind, state, jurisdiction transferred, blind commission, SB 93, Sub SB 93.
- Buildings, bond redemption fund, cigarette tax distribution, \*SB 262, CH. 70 EX.
- Construction fund interest, appropriation, \*Sub HB 151, CH. 275 EX. PV.
- Construction, prefabrication techniques, utilization provision, \*Sub SB 109, CH. 238 EX.
- Facilities, bond aid act, bond sales, provisions, \*SB 151, CH. 4 EX.
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- Buses, all, railroad crossing stops, required, HB 163.
- School, warning devices, strobe light use permitted, SB 278.
- Studded tires, use, Nov. 1-April 1, permitted, \*SB 95, CH. 32 EX. PV.
- Busing, students, without parental permission, state funds use prohibited, SB 317.
- Campers, excise tax, distribution, allocation provisions, HB 112, \*Sub SB 897, CH. 299 EX. PV.
- Code, manual publication, sale provisions, \*SB 531, CH. 100 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## SCHOOLS—Continued:

- Community, concept, alternative school programs, report, recommendations, SCR 16, \*HCR 19.
  - Extended, weekend use, funding methods, study, SCR 16, \*HCR 19.
- Courses, noncompulsory, parental objection provisions, SB 25.
- Day, redefined, SB 788, \*HB 863, CH. 161 EX.
- Demonstration, educational service corporations, school district contracts, authorized, SB 464(a), SB 911.
- Discrimination, equal educational opportunity denial, prohibited, SB 501.
  - Title only, SB 501.
- Districts, director vacancies, intermediate board appointment provisions, \*HB 108, CH. 53.
  - Intermediate, general revisions, \*HB 86, CH. 282 EX. PV.
- Driver analysts, professional, licensing, regulation, SB 874.
- Ecology curricula, related courses, study, \*SCR 12.
- Educational service corporations, school district contracts, authorized, SB 464(a), SB 911.
- Expenditures, general fund, elected officials, common school education agency, reduction provisions, SB 570.
- High school diploma, equivalency certificate, \*HB 10, CH. 43.
- History, courses, U.S., Washington, requirement revised, HB 343.
- Holidays, superfluous provisions repealed, HB 14.
- Institutions, residential, students, compulsory attendance law, excepted, \*HB 1037, CH. 51 EX.
- Instructional materials, parental review provisions, SB 24.
- King, Martin Luther, birthday, holiday, SB 104.
- Land, state, park use, cities, towns, lease provisions, \*SB 288, CH. 246 EX.
- Law enforcement officers' training facility, established, SB 643.
- Operation, studies, interference, violence, unlawful, \*HB 15, CH. 45.
- Organization and school plant facilities division, superintendent of public instruction office, created, \*Sub SB 109, CH. 238 EX.
- Orphan, state fund apportionment, obsolete provision repealed, \*HB 17, CH. 47.
- Plant, facilities, additional use, study, SCR 16(a).
- Post high, financial support system, study, \*HCR 7.
- Private, parochial, elementary, minimum state controls, standards, provisions, \*HB 335, CH. 215 EX.
- Public land, ecological study purposes, school use, areas reserved, SB 405.
- Purchasing, private schools, joint agency, authorized, \*SB 266, CH. 26.
- Rescheduled, extended school year, provision, HB 497, SB 540.
- School day redefined, SB 788, \*HB 863, CH. 161 EX.
  - Year, obsolete apportionment provision, repealed, \*HB 16, CH. 46.
- Small plants, certain districts, state aid continued, SB 44.
- State, residential, students, financial responsibility provisions, SB 647.
- State funds, distribution, millage, formula revised, SB 221.
- Students, activities, organized, student body fees, allocation provisions, SB 537.
  - Conduct, discipline, rights, written rules, adoption, distribution, SB 758, \*SB 98, CH. 268 EX.
    - Substantive rights enumerated, SB 782.
- Disease, sight, hearing, health measures, precautionary procedures, standards, \*SB 103, CH. 32.
  - Elementary, secondary, disadvantaged, financial assistance program, SB 264.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## SCHOOLS—Continued:

- Part time, ancillary services, financial aid provisions, SB 265.
- Pregnant, alternative educational programs, provisions, SB 322, SB 724(a).
- Transportation, written parental permission required, SB 9, SB 11.
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  - School districts, salary allocation, amount indicated, SB 309.
- Property, state, 2 mill allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV, \*Sub SB 897, CH. 299 EX. PV.
- Special, relief, income tax, percentage, use, determination provisions, SB 924.
- Teacher, private transfers, retirement system, service credit provision, SB 268.
- Teachers, contract renewals, legislative session year, notice provision, SB 286.
  - Private, public school transfers, seniority rights, SB 267.
- Teaching methods, certificated personnel, feasibility study, SB 404.
- Truant, parental schools, obsolete code provisions, repealed, \*HB 12, CH. 44.
- Trust lands, school sites, sales, acreage increased, SB 337.
- Unemployment compensation, certain students, eligibility benefits restriction provisions, HB 996.
- Use, plant, facilities, additional, study, SCR 16(a).
- Vocational education, federal, state funds, comprehensive unified distribution, study, \*SCR 2.
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- Property, tax exempt, description, expanded, \*HB 1123, CH. 206 EX.
- Purchasing, school districts, joint agencies, authorized, \*SB 266, CH. 26.
- Taxes, property, exemptions, description, expanded, \*HB 1123, CH. 206 EX.
- Teachers, public school transfers, seniority rights provisions, SB 267.
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## SCRAP PROCESSORS:

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## SEALS:

- Bonds, county, imprinting authorized, HB 516(a).
- Steelhead, supplemental, nonresident's fees, SB 425.

## SEAQUEST STATE PARK:

- Addition, adjacent lands, exchange authorized, \*SB 858, CH. 90 EX.

## SEATTLE:

- Appeals court, U.S., Seattle based, creation petitioned, SJM 7.
- Community college, south campus, engineering technology building, final unit,

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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## SECRETARY OF STATE:

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- Constitutional amendments, state debts, minority newspapers, publication provision, HB 259.
- Corporations, domestic, annual license, failure to pay, certified mail notice, requirement deleted, \*HB 225, CH. 142 EX.
  - Filings, searches, certain, fees increased, HB 431, \*HB 254, CH. 133 EX.
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- Investments, protective restrictions, financial requirements, records, general provisions, SB 673.
- Limited partnerships, certain, public employees' system funds, investment authorized, SB 898.
- Security interest, loans, collateral, consumer goods, security interest, deficiency judgments, eliminated, SB 475.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

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## SKAGIT COUNTY:

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 Hoag, Dr. Richard M., trustee board member, appointment,  
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## SLAUGHTERING:

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## SNOW:

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## SNOWMOBILES:

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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SOCIAL AND HEALTH SERVICES DEPARTMENT--Continued:

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- Nursing homes, public assistance recipients, supplemental appropriation, 1969-71 budget deficit, SB 386.
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- Pesticides, emergencies, fire, spillage, contaminations, reporting requirement, SB 538.
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- Public assistance grants, actual cost of living basis, SB 838.
  - Maximums establishment, departmental authority repealed, SB 825.
- Recipients, community-based work training programs, employment, financing, provision, \*Sub HB 151, CH. 275 EX. PV.
  - Eligibility review, computer program updating, \*Sub HB 151, CH. 275 EX. PV.
  - Identocard issuance, \*HB 798, CH. 65 EX.
  - Injured, departmental aid, recovery awards, lien, \*SB 179, CH. 306 EX. PV.
- Special programs, services, improvement, experimentation, nonappropriated funds use, provisions, \*Sub HB 915, CH. 309 EX.
- Public lands, sale, title only, HB 1063.
- Smith, Sidney E., department secretary, appointment, confirmation, \*\*GA 6 . . . . . pp. 97, 821, 1820
- Social and health services, SB 727.
- Students, transportation, without written permission, superintendent of public instruction, budget funds, use prohibited, \*Sub HB 151, CH. 275 EX. PV.
- Tuberculosis hospital, western area, operation, jurisdiction, provisions, \*HB 313, CH. 277 EX. PV.
- Veterans, executor, guardian, secretary, designation, SB 145.

SOLID WASTE: (see also Garbage, also Pollution)

- Beverage container control, return, recycling, SB 513.
- Collection districts, county establishment, authorized, duties, \*SB 52, CH. 293 EX. PV.
- Commerce, collection, title only, SB 837.
- Counties, garbage, refuse, collection districts, establishment authorized, duties, \*SB 52, CH. 293 EX. PV.
- Management plans, cities, counties, needs, franchise, boundary, population information, additional requirements, \*SB 52, CH. 293 EX. PV.
- Treatment plant operators, licensing, HB 324.

SPOKANE:

- County, social and health services, excess land, sale authorized, HB 1063.
- Exposition 1974, state participation, commission created, \*SB 737, CH. 1 EX.
- State building, construction authorized, \*SB 739, CH. 3 EX.
  - Leasing, financing, provisions, \*SB 739, CH. 3 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## SPOKANE COMMUNITY COLLEGE:

- Reiley, Eldon, trustee board member, appointment, GA 2 . . . . . pp. 96, 1318  
 Stubbs, Leonard, trustee board member, appointment,  
 confirmation, \*\*GA 50 . . . . . pp. 104, 901, 1302

## SPORTS:

- Colleges, universities, intercollegiate programs, athletic financial assistance, funds,  
 sources, provisions, \*SB 35, CH. 28 EX.  
 Intercollegiate athletics, student participation, financial assistance, provision, \*SB 35,  
 CH. 28 EX.  
 University of Washington, stadium, public use, SB 80.

## STADIUM:

- Counties, all, special excise use tax, hotels, motels, imposition authorized, SB 769.  
 State commission, created, SB 80.  
 University of Washington, public use, SB 80.

## STAMPS:

- Cigarette, wholesaler, retailer, affixing costs, percentages increased, SB 798.  
 Used, purchases, collector's items, police report, required, SB 519.

## STANFORD, JAMES R.:

- Member, tax appeals board, appointment, confirmation,  
 \*\*GA 81 . . . . . pp. 1023, 1620, 1783

## STATE AGENCIES:

- Conflict of interest, commissions, boards, members, statute, inclusion, HB 918.  
 Employees, retirement, age 65, 30 years' service, provisions, HB 1031.

## STATE AUDITOR:

- Duties, certain statutory, transferred, SB 456, SB 457.  
 Post audits, reports, time periods, legislative recommendations, provisions, SB 423, \*Sub  
 HB 545, CH. 170 EX.  
 Public employees' retirement board, membership, lieutenant governor, replacement, SB  
 320.

## STATE DEPARTMENT:

- Delegation, Republic of China, Viet Nam introduced . . . . . p. 467

## STATE FINANCE COMMITTEE:

- Powers, duties, transferred, finance and business regulation department, SB 711.  
 State building authority, indebtedness, bonds, issuance, refunding, provisions, SB 639,  
 \*HB 817, CH. 154 EX.  
 State debt, incurrence, control provisions, SB 642, \*HB 803, CH. 184 EX.

## STATE GOVERNMENT:

- Administrative board, abolished, duties transferred, HB 492.  
 Administrative rules, procedures, agency filing, legislative council, review purposes, HB  
 1085.  
 Agencies, erroneous, excessive payments, refunds authorized, \*Sub HB 151, CH. 275  
 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STATE GOVERNMENT—Continued:

- Legal services, attorney general payment, fund allocation provisions, \*SB 648, CH. 71 EX.
- Rules, legislative council, biennial review required, SB 543.
- Agriculture department, funds, interest, crediting provisions, HB 621.
- Air space corridors, public agencies acquisition, provisions, \*SB 363, CH. 39 EX.
- Appropriations, state, local improvements revolving account, supplemental, Sub HB 777.
- Supplemental, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- State, local improvements revolving account, Sub HB 777.
- Banking, insurance and transportation, joint committee, created, duties, SB 668.
- Budget, omnibus appropriation, 1971-73 biennium, \*Sub HB 151, CH. 275 EX. PV.
- Supplemental appropriation, SB 926, \*Sub SB 926, CH. 301 EX. PV.
- Building designers, registration, title only, SB 681.
- Facilities division, superintendent of public instruction office, created, SB 109, \*Sub SB 109, CH. 238 EX.
- Buildings, state authority, leasing, higher education construction purposes, authorized, \*SB 88, CH. 31.
- 75-year leases, higher education construction purposes, authorized, \*SB 918, CH. 23 EX.
- State, operating costs, expenses, interagency payments, general administration department, provisions, \*HB 429, CH. 159 EX.
- Capital improvements budget, 1971-73 biennium, \*Sub HB 152, CH. 276 EX. PV.
- Chiropractors, health care services, state contracts, discrimination, prohibited, SB 715.
- Citizens-legislative task force, established, capital improvements, state bond issues, program study, HB 778.
- Civil defense activities, property damage, personal injury, compensation provisions, \*SB 56, CH. 8 EX.
- Civil rights, general revisions, SB 507, \*SB 203, CH. 52 EX.
- Commerce and economic development department, organization, divisions, revised, SB 225.
- Commerce, regulatory agencies, joint committee created, public interest, protection, laws, study, SB 668(a).
- Conflict of interest, commissions, boards, members, statute, inclusion, HB 918.
- Consumer protection, unfair, deceptive acts, class action suits, court civil rule 23, use authorized, SB 792.
- Counties, state association, name change, \*HB 738, CH. 85 EX.
- Criminal identification division, social and health services department, created, SB 434.
- State patrol, created, Sub SB 434.
- Debt, incurrence, state finance committee control provisions, SB 642, \*HB 803, CH. 184 EX.
- State contracting permitted, \*HJR 52.
- Ecology department, water, air resources program, integration, HB 480.
- Economic opportunity act, programs, participation, provisions, \*HB 430, CH. 177 EX.
- Education board, state, election provisions revised, SB 13.
- Emergency services department created, HB 78.
- Employees, claims against, exclusive of claims against state, SB 757.
- Collective bargaining, general revisions, SB 429.
- Four-day, 10-hour work week, study, SCR 25.
- Positions, salaries book, \*SFR 22 . . . . . p. 49
- Salaries, over \$15,000, yearly merit increases, prohibited, \*Sub HB 151, CH. 275 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STATE GOVERNMENT—Continued:

- Salary, benefits, lobbying prohibited, SB 23.
- Increases, same job classification, not permitted, \*Sub HB 151, CH. 275 EX. PV.
- Tax deferred annuity plans, provisions, \*SB 659, CH. 264 EX.
- Unemployment compensation, coverage extended, SB 120, \*HB 199, CH. 3.
- Employment, minorities, population ratio basis, preference provision, \*Sub HB 151, CH. 275 EX. PV.
- Environmental policy, state act, established, \*SB 545, CH. 109 EX.
- Protection hearing boards, created, SB 783.
- State act, established, SB 560.
- Equalization board, duties transfer, code correction, SB 258.
- Executive assistants, personnel administration, labor relations, civil service exempt, SB 835, \*HB 743, CH. 209 EX.
- Expenditures, general fund, elected officials, common school education agency, reduction provisions, SB 570.
- Public educational agencies, reduction provision, \*SB 559, CH. 263 EX.
- Federal aid programs, availability, use, study, \*SCR 28.
- Income tax, revenue, state sharing petitioned, HJM 1.
- Finance and business regulation department, created, certain agencies, powers, duties, transferred, SB 711.
- Powers, duties, SB 711.
- Finance department, created, powers, duties, HB 1022(a).
- Fiscal agency, duties, crematory procedures, repealed, \*HB 209, CH. 163 EX.
- Fisheries, coastal, jurisdiction extension, petitioned, \*SJM 1.
- Fort Lawton, Seattle acquisition, city park purposes, petitioned, HJM 14.
- Fund apportionment, title only, SB 359.
- General administration department, reorganization provisions, HB 428.
- Geographic names board, established, SB 338.
- Governmental cooperation, joint committee, federal aid programs study, created, SB 922.
- Governor's advisory, committee on vendor rates, membership increased, \*SB 257, CH. 87 EX.
- Gubernatorial succession, provisions revised, HJR 22.
- Hearing and fitting board, established, SB 586.
- Highway classification board, created, SB 360.
- Highways, joint committee, renamed, legislative transportation committee, \*HB 892, CH. 195 EX.
- Location, design, public hearings, required, HB 769, SB 722.
- Horse racing commission, abolished, SB 422.
- Hospital rate commission, established, duties, SB 458.
- Human rights commission, created, discrimination duties transferred, SB 507, \*SB 203, CH. 52 EX.
- Indian land, zoning powers relinquished, SB 774.
- Indians, state, criminal, civil jurisdiction, retrocession provisions, SB 685.
- Indigents, legal aid, temporary special study commission, created, SB 549.
- Insurance guaranty association, created, \*SB 18, CH. 265 EX.
- Intergovernmental cooperation, title only, SB 910.
- Internships, student, summer, interim periods, not funded, \*Sub HB 151, CH. 275 EX. PV.
- Legislators, recall proceedings, signature filings, time limitation, provisions, \*Sub HB 214, CH. 205 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STATE GOVERNMENT--Continued:

- Life and disability insurance guaranty association, created, \*SB 17, CH. 259 EX.
- Local government, obsolete code materials, repealed, \*HB 211, CH. 76.
  - Relationship, impact, legislative municipal committee, study provisions, SB 682.
- Management surveys, legislative budget committee, authorized, SB 423, \*Sub HB 545, CH. 170 EX.
- March, official, State of Washington, designated, SB 716.
- Marine council, created, Sub HB 592, SB 452.
- Marine mammal advisory commission created, duties, SB 641.
- Mass transportation department created, coordination planning, SB 704.
- Mortgage insurance authority created, SB 33.
- Naturopaths, examining, disciplinary board created, SB 494, Sub SB 494.
  - Physicians' examining board created, Sub SB 494(a).
- Officials, employees, sabbaticals, stipends, 1971-73 biennium, granting, authority suspended, SB 867.
  - Legislators, public retirement system, membership authorized, \*SB 522, CH. 271 EX.
- Ombudsman office, created, SB 167.
- Organization and school plant facilities division, superintendent of public instruction office, created, \*Sub SB 109, CH. 238 EX.
- Parks, recreation personnel examiners board, established, SB 843.
- Position vacancies, eligibility lists, name referrals, provisions revised, SB 523.
- Property, public, intergovernmental transfers, authorized, SB 392.
  - Real, acquisition, taxes, pro rata allocation, payment, provisions, \*SB 144, CH. 260 EX.
- Public agencies, administrative bodies, open public meetings, provisions, \*SB 485, CH. 250 EX.
  - Employees' system, payments, departmental budget funds use, provision, \*Sub HB 151, CH. 275 EX. PV.
- Public lands, adverse possession claims, SB 762.
  - Officials, code of ethics, revision, HB 462.
  - Records, open, inspection provisions, SB 477.
  - Services, state, local, funding, study, HCR 11.
- Purchasing law, specifications, low bidders, revisions, SB 181.
- Receipts, unanticipated, federal, other sources, expenditure, authorization provision, \*Sub HB 151, CH. 275 EX. PV.
- Regional economic development authority, created, powers, duties, SB 700, Sub SB 700.
- Relocation, uniform assistance and real property acquisition policy, displacee treatment provisions, \*Sub SB 770, CH. 240 EX.
- Revenue department, certain taxes, other departmental collection duties, transferred, Sub HB 654, SB 414.
- Roads, state, contractors, sales tax provisions, inclusion, \*Sub SB 897, CH. 299 EX. PV.
- Secretary of state, powers, duties, general revisions, HB 223.
- Social and health services department, personnel director, position abolished, SB 323.
- Spokane, state building, construction authorized, \*SB 739, CH. 3 EX.
- State auditor, certain statutory duties, transferred, SB 456, SB 457.
  - Building authority, Spokane, land, acquisition, financing, leasing, provisions, \*SB 739, CH. 3 EX.
    - Code, adopted, SB 364.
    - Council, created, SB 364.
- Depository, interest distribution dates revised, \*SB 626, CH. 72 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STATE GOVERNMENT—Continued:

- Land planning commission, created, powers, duties, \*HB 865, CH. 287 EX. PV.
- Superintendent of public instruction, organization and school plant facilities, division created, \*Sub SB 109, CH. 238 EX.
- Supplemental, state, local improvements revolving account, Sub HB 777.
- Surplus funds, certain, federal corporations, investment provisions, \*HB 29, CH. 16.
- Property, intergovernmental transfers, authorized, SB 392.
- Title only, HB 1022, SB 797, \*HB 798, CH. 65 EX., \*HB 865, CH. 287 EX. PV.
- Transportation department, created, HB 539, SB 444, SB 588.
- Trust moneys, public depositories, deposits authorized, SB 677.
- Unions, member out-of-state transfers, compensation, fringe benefit funds, general fund transfer, SB 572.
- Veterans, layoffs, reemployment, state preference, seniority credits, provisions, HB 1059, \*SB 857, CH. 19 EX.
- Volunteer workers, workmen's compensation, medical aid coverage, \*HB 71, CH. 20.
- Water resources development management plan, provisions, \*HB 394, CH. 225 EX.

## STATE PATROL:

- Bachofner, Will, former chief, meritorious service, commended, \*HCR 16.
- Criminal identification division, created, Sub SB 434.
- Financing, methods, review, \*SB 124, CH. 91 EX.
- Highway account, abolished, reallocated, \*SB 124, CH. 91 EX.
- Motor vehicle dealers, certificates, certain areas, small cities, issuance provisions, \*HB 77, CH. 74 EX.
- Motor vehicles, inspection stops, all hours, HB 169, SB 115.
- Smoke, odor control, provisions, supervision, HB 605.
- Pensions, retirement, increase provisions, \*HB 373, CH. 278 EX. PV.
- Witness fees, civil cases, provisions, HB 384.

## STATE TREASURER:

- Bond, performance, amount increased, \*HB 27, CH. 14.
- Assistant, deputies, blanket coverage, \*HB 28, CH. 15.
- Checks, state officials, employees, cashing authorized, \*HB 130, CH. 5.
- Instrument, warrants, public assistance, lost, duplicate issue bond provision, not applicable, \*SB 137, CH. 54 EX.
- State surplus funds, certain federal corporations, investments provisions, \*HB 29, CH. 16.

## STATISTICS:

- Secretary of state, compilation, HB 223.

## STATUTE LAW COMMITTEE:

- Appropriation, bill drafting, legislative information system, \*SB 171, CH. 2.
- Extraordinary session, operation, cost, expenses, \*SB 879, CH. 14 EX.
- Session laws, publication, appropriation, \*HB 878, CH. 5 EX.

## STATUTE OF LIMITATIONS:

- Insurance, policy misstatements, defense, time limitation, reduced, SB 474.
- Tolling, summons service, commencement, SB 252, \*HB 181, CH. 131 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STEAM:

- Electric generating facilities, steam powered, taxation, provisions, SB 852.
- Nuclear generating facilities, joint operating agency, in lieu tax payments, exempt, \*HB 82, CH. 75 EX.

## STEELHEAD:

- Fishing, Indians, off-reservation, prohibited, SB 110.
- Seals, supplemental, nonresident's fees, SB 425.

## STENDER, SENATOR JOHN H.:

- Indefinitely postpone, EHB 248 . . . . . p. 992
- Personal privilege, resignation conference committee,  
EHB 735 . . . . . p. 1262

## STIMPSON, MRS. E. K.:

- Community college district No. 21, trustee board member,  
appointment, confirmation, \*\*GA 54 . . . . . pp. 105, 901, 1302

## STIPENDS:

- Sabbaticals, 1971-73 biennium, granting, authority suspended, SB 867.

## STOCKS:

- Bank, corporation acquisition restriction, SB 276.
- Corporations, income, principal, classification, distribution, share rights, trustee apportionment, \*HB 66, CH. 74.
- Insurance holding companies, comprehensive regulatory provisions, SB 596, \*SB 380, CH. 13 EX. PV.

## STORTINI, SENATOR JOE:

- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating, SFR 18 . . . . . p. 409

## STRACHAN, MRS. MARGARET:

- Olympic community college, trustee board member,  
appointment, confirmation, \*\*GA 67 . . . . . pp. 1020, 1084, 1304

## STREETS:

- Cities, land condemnation, outside city limits, authorized, SB 84.
- Classification, functional, long range plan, SB 360.
- Parking, off-street, cities, towns, leasing, operation, provisions, SB 824.
- Rules of road, motor vehicles, general amendments, SB 299.
- Traffic control, intersection right-of-way, established, SB 290.

## STROBE LIGHTS:

- Buses, school, warning devices, strobe light use permitted, SB 278.

## STUBBS, LEONARD:

- Spokane community college, trustee board member, appointment,  
confirmation, \*\*GA 50 . . . . . pp. 104, 901, 1302

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## STUDENTS:

- Activities, organized, student body fees, allocation provisions, SB 537.
- Busing, without parental permission, state funds use prohibited, SB 317.
- College, campus disorder, participation, expulsion provisions, SB 30, SB 197, SB 577.
- Graduate work, fees, SB 201.
- Residents, nonresidents, defined, tuition fee purposes, \*SB 594, CH. 273 EX.
- Colleges, private, undergraduate, resident, tuition supplementation, \*SB 419, CH. 56 EX.
- Universities, conduct code, established, SB 518.
- Married, housing, construction, 1971-73 biennium, expenditure prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Needy student loan fund, established, tuition fee financing provisions, \*Sub HB 740, CH. 279 EX. PV.
- Student's unauthorized absences, forfeiture provisions, SB 259.
- Tuition, fees, new categories, rate schedules, established, \*Sub HB 740, CH. 279 EX. PV.
- Community colleges, dormitories, capital improvements budget funds use, prohibited, \*Sub HB 152, CH. 276 EX. PV.
- Nonacademic services, facilities, financing, special fees, authorized, SB 383.
- Pursuing high school diploma, free tuition, SB 815, SB 829.
- Speakers, from outside Washington state, payment, tuition fees use, prohibited, SB 383(a).
- Courses, noncompulsory, parental objection provisions, SB 25.
- Elementary, secondary, disadvantaged, financial assistance program, SB 264.
- Enrollment, estimates, state fund apportionment purposes, certification purposes, SB 158(a), SB 159.
- History, courses, U.S. Washington, requirement revised, HB 343.
- Institutions, residential schools, compulsory attendance law, exception, \*HB 1037, CH. 51 EX.
- Instructional materials, parental review provisions, SB 24.
- Intercollegiate athletics, participation, scholarships, financial assistance, provisions, \*SB 35, CH. 28 EX.
- Internships, state government, summer, interim periods, not funded, \*Sub HB 151, CH. 275 EX. PV.
- Loans, higher education, state loan program, established, SB 840.
- Part time, ancillary services, financial provisions, SB 265.
- Postgraduate, college, certain incidental fees, exempt, SB 217.
- Pregnant, educational programs, alternative, provisions, SB 322, SB 724(a).
- School, conduct, substantive rights enumerated, SB 782.
- Disease, sight, hearing, health measures, precautionary procedures, standards, \*SB 103, CH. 32.
- Schools, public, conduct, discipline, rights, written rules, adoption, distribution, SB 758, \*SB 98, CH. 268 EX.
- Transportation, without parental permission, budget funds use, prohibited, \*Sub HB 151, CH. 275 EX. PV.
- State funds use, prohibited, SB 317.
- Written parental permission required, SB 9, SB 11.
- Tuition free attendance, racial balance programs, participation, written parental consent, SB 327.
- Unemployment compensation, certain students, eligibility benefits restriction provisions, HB 996.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STUDENTS—Continued:

- Veteran's spouses, children, residence requirements waived, SB 12.
- Voters, residency, voting purposes, \*Sub HB 433, CH. 178 EX.

## STUDIES:

- Adoption, petitioners, prospective, preplacement study, provisions, \*Sub HB 762, CH. 172 EX.
- Alcoholism, treatment, facilities, social and health service department, provision, \*Sub HB 151, CH. 275 EX. PV.
- Animals, protection, proposed legislation, SCR 20.
- Appropriations, procedures, other states, review, HCR 28.
- Banking, insurance, transportation, public interest, protection, laws, SB 668.
  - Utility regulation agencies, public interest, protection, laws, \*SCR 32.
- Cathlamet-Ryderwood, highway route, feasibility, SB 891.
- Charters, county, statutory optional model, alternative proposals, \*HCR 39.
- Child day care services, colleges, universities, committee established, SCR 10.
- Children, handicapped, educational programs, coordination, \*SCR 4.
- Citizens-legislative task force, established, capital improvements, state bond issues, program, HB 778.
- College credits, transfers, status, \*HCR 35.
- Colleges, universities, academic tenure, problems, issues, higher education council, HCR 14.
  - Requirements analysis, uniform reporting elements, information, development, \*HCR 7.
  - Transfer policies, procedures, \*HCR 35.
- Community college districts, consolidations, feasibility, HCR 8.
- Community colleges, federal, state funds, comprehensive unified distribution, \*SCR 3.
  - Operational, capital costs, review, report, \*SCR 5.
  - Programs, standard categories, academic, vocational-technical, instructional, reporting, information, \*HCR 7.
- Ecology, school curricula, related courses, superintendent of public instruction, \*SCR 12.
- Federal aid programs, state, local governments, availability, use, \*SCR 28.
- Fisheries, compacts, treaties, water use policies, gear uses, \*SCR 31.
- Higher education faculties, professional negotiations, collective bargaining, rights, procedures, HB 984.
- Indigents, legal aid, temporary special study commission, created, SB 549.
- Insurance, market, competition, continuing study, SB 746(a).
- Intermediate school districts, funding, alternate systems, \*HB 86, CH. 282 EX. PV.
- Landlord-tenant laws, legislative council, HCR 23.
- Land, planning, use, state-wide, pilot project, \*HB 865, CH. 287 EX. PV.
- Land use, planning, development, laws, codes, provision, \*HB 865, CH. 287 EX. PV.
- Libraries, state-wide public service, systems, legislative council, \*HCR 20.
- Litter control, research, development, implementation, ecology department, provisions, \*SB 428, CH. 307 EX. PV.
  - Education, provisions, INT 40, SB 297, SB 876, \*SB 428, CH. 307 EX. PV.
- Local government, relationship, state government, legislative municipal committee, provisions, SB 682.
- Motor vehicle fund, transportation funds, sources, financial condition, \*HB 892, CH. 195 EX.
- Naches Pass tunnel, feasibility, title only, SB 733.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## STUDIES—Continued:

- No-fault automobile insurance, HB 696, SB 581.
- Northern state hospital, facilities, alternate use, social and health services department, \*Sub HB 151, CH. 275 EX. PV.
- Population study council, established, SB 324.
- Public services, state, local, funding, HCR 11.
- Puget Sound, oil spills, tanker use alternatives, legislative council, \*HCR 12.
- Retirement systems, state, funding, alternative methods, \*HCR 41, \*Sub HB 151, CH. 275 EX. PV.
- School, post high financial support systems, \*HCR 7.
- Schools, community, extended, weekend use, funding methods, SCR 16, \*HCR 19.
  - Plant, facilities, additional use, SCR 16(a).
  - Special levies, relief, income tax, percentage, use, revision determination, SB 924.
- Sewer, water districts, rates, services, facilities, across boundaries, unincorporated areas, review, \*Sub SB 139, CH. 96 EX.
- Shorelines, cities, towns, use, activities, joint departmental, \*Sub HB 584, CH. 286 EX. PV.
- State patrol, financing, methods, review, \*SB 124, CH. 91 EX.
- Teaching methods, certificated personnel, feasibility, SB 404.
- Thermal power plants, operation, environmental impact, SB 665.
- Transportation, highways, related areas, legislative transportation committee, authorized, \*HB 892, CH. 195 EX.
- Vocational education, federal, state funds, comprehensive unified distribution, \*SCR 2.
  - Needs, services, funding, comprehensive, \*SCR 23.
- Water, management, use, local government functions, HB 278.
- Work week, state employees, 4 day, 10 hour day, legislative council, SCR 25.

## SUBPOENA:

- Physicians, dentists, osteopaths, incompetency, misconducts charges, fellow professional, immunity provisions, \*HB 351, CH. 144 EX.

## SUBSISTENCE: (see also Salaries and Wages)

- Appropriation, extraordinary session, operation, cost, expenses, \*SB 879, CH. 14 EX.
  - Operation, cost, expenses, \*SB 171, CH. 2.
- Committees, state advisory, members, gubernatorial establishment authorized, SB 649.
- Port district commissioners, compensation, set by port commissioners, SB 149(a).
  - Per diem, salaries, provisions, SB 149(a), SB 466, SB 813.

## SUGGESTION AWARDS:

- Program, state employees, title only, SB 847.

## SUMMONS AND PROCESS:

- Motor vehicle operators, nonresident, registered mail return receipt, provision, \*SB 91, CH. 69 EX.
  - Service, fee increased, HB 227.
- Rent, default, real property, \$200 or less, summons, complaint provisions, amount increased, SB 453.
- Service, limitations statute tolling, commencement, SB 252, \*HB 181, CH. 131 EX.

## SUPERINTENDENT OF PUBLIC INSTRUCTION:

- Code, common school, manual publication, sale provisions, \*SB 531, CH. 100 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## SUPERINTENDENT OF PUBLIC INSTRUCTION—Continued:

- Division, organization and school plant facilities, created, duties, \*Sub SB 109, CH. 238 EX.
- Ecology school curricula, related courses, study, \*SCR 12.
- Hearing examiner, state, county organizational, SB 160(a), SB 464(a).
- Intermediate school districts, budgets, state funds, distribution formulas, authority, provisions, \*HB 86, CH. 282 EX. PV.
- Instructional material, parental review, \*SFR 75 . . . . . p. 1491
- Mediation and arbitration service, established, SB 43.
- Mediation, conciliation, fact-finding service, established, HB 1094(a), SB 464(a).
- Organization and school plant facilities division, created, duties, \*Sub SB 109, CH. 238 EX.
- Professional practice commission, established, HB 1094(a).
- School year, obsolete apportionment provision repealed, \*HB 16, CH. 46.
- Special education, office established, SB 66, \*HB 90, CH. 66 EX.
- Students, transportation, without parental permission budget funds use, prohibited, \*Sub HB 151, CH. 275 EX. PV.
- State funds use, prohibited, SB 317.
- Teaching methods, certificated personnel, feasibility study, SB 404.
- Urban, racial, disadvantage programs, programmed budget request, required, HB 344.

## SUPERIOR COURTS:

- Divorce decree, modification complaint, court scrutiny, SB 870.
- Grand juries, summons provisions, SB 239, \*HB 175, CH. 67 EX.
- Island, San Juan counties, judges, number revised, districts altered, SB 759, \*HB 643, CH. 83 EX.
- Judges, Island, San Juan counties, number revised, districts altered, SB 759, \*HB 643, CH. 83 EX.
- Public employees' system, former membership reinstatement, prior service, SB 809(a), \*SB 59, CH. 267 EX.
- Skagit county, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.
- Snohomish, Clark, Pierce counties, number increased, \*HB 643, CH. 83 EX.
- State employees' health care plan, inclusion, HB 816, SB 366, SB 510.
- Whatcom county, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.
- Proceedings, electronic recording permitted, SB 243.
- Sessions, other than county seat location, authorized, \*SB 277, CH. 60 EX.
- Skagit county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.
- Snohomish, Clark, Pierce counties, judges, number increased, \*HB 643, CH. 83 EX.
- Whatcom county, judges, number increased, district altered, SB 759, \*HB 643, CH. 83 EX.

## SUPERSONIC TRANSPORT:

- Leadership commended, SFR 40 . . . . . p. 781
- Program, decision to halt, congressional reconsideration petitioned, HJM 22.

## SUPPORT:

- Family, probate, amount provisions increased, SB 790.
- Obligor, return, by state nonresident, divorce debt proof, SB 65.

## SUPREME COURT:

- Appeals procedures, general revisions, \*SB 449, CH. 107 EX.
- Attorneys, ethics rules, adoption, HB 233.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

SUPREME COURT—Continued:

- Composition, title only, SB 791.
- Court administrator, salary ceiling removed, SB 238.
- Decisions, publication supervision commission membership, appeals court judge added, \*SB 447, CH. 42.
- Judges, membership, reduced to 5, SB 856.
- Public employees' system, former membership reinstatement, prior service credit, SB 809(a), \*SB 59, CH. 267 EX.
- Justices, state employees' health care plan, inclusion, HB 816, SB 366, SB 510.
- Recalls, charges, constitutional requirements, time limitation, provisions, \*Sub HB 214, CH. 205 EX.
- Supreme, appeals courts, general revisions, SB 121.

SURPLUS PROPERTY:

- Disposal, intergovernmental transfers, authorized, SB 392.

SURVEYS AND SURVEYORS:

- Management, conducting, legislative budget committee, authorized, SB 423, \*Sub HB 545, CH. 170 EX.
- Natural resources department, property examination, right of entry, SB 340, \*HB 300, CH. 49 EX.
- Surveyors, services, sales tax imposed, SB 931.

SWEEPSTAKES:

- Commission, state, created, powers, duties, SB 888.
- State operated, authorized, SB 888.

TACOMA COMMUNITY COLLEGE:

- Anderson, Donald E., trustee board member, appointment, confirmation, \*\*GA 55 . . . . . pp. 105, 901, 1303

TALLEY, SENATOR DON L.:

- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

TAX APPEALS BOARD:

- Stanford, James R., member, appointment, confirmation, \*\*GA 81 . . . . . pp. 1023, 1620, 1783
- Williams, J. Joy, member, appointment, confirmation, \*\*GA 82 . . . . . pp. 1023, 1621, 1783

TAXES:

- Aircraft, excise, extended, SB 676.
- Excise, fuel, uncollected, payment provisions, \*HB 56, CH. 156 EX.
- Tax appeals board, jurisdiction, HB 306.
- Airports, open-space land basis, HB 155.
- Alcoholic beverages, excise, increased, \*Sub SB 897, CH. 299 EX. PV.
- All-terrain vehicles, excise, fuel, trail allocation provisions, \*Sub SB 372, CH. 47 EX.
- Blood banks, nonprofit, property, exempted, \*HB 1123, CH. 206 EX.
- B&O, computer service, parent corporation, compensation deduction, SB 754, \*HB 144 VETOED.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Governatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## TAXES—Continued:

- Eliminated, income tax imposed, tax reform act, provisions, SB 924.
- Tax structure revised, SB 923.
- Food container deposit charges, exempt, SB 87.
- Litter control, certain industries, imposed, \*SB 428, CH. 307 EX. PV.
- Natural gas, distribution, increased, \*Sub SB 897, CH. 299 EX. PV.
- Nuclear fuel assemblies, manufacturing, imposed, \*HB 888, CH. 186 EX.
- Tax credits, eligible investment projects, factory improvements, SB 693.
- Major factory improvements, SB 292, SB 693.
- Business inventory, credit allowances, income tax imposed, tax reform act, provisions, SB 924.
- Personal property, credit allowance, other taxes, provisions, SB 546, SB 924.
- Campers, ad valorem, exclusion, excise imposed, HB 112, \*Sub SB 897, CH. 299 EX. PV.
- Excise, imposition, regulations, HB 112, \*Sub SB 897, CH. 299 EX. PV.
- Charitable trusts, reports, filing, general provisions, \*HB 84, CH. 226 EX.
- Cigarettes, excise, increased, \*Sub SB 897, CH. 299 EX. PV.
- Viet Nam veterans, bonus payment, SB 6.
- School building bond redemption fund, distribution, \*SB 262, CH. 70 EX.
- Conservation futures, property acquisition, payments, county levy imposed, other taxing districts, reduced, HB 586, \*SB 185, CH. 243 EX.
- Containers, food, deposit charges, exempt, SB 87.
- Corporations, domestic, foreign, license, filing fees, surtax imposed, \*SB 738, CH. 2 EX.
- County equalization boards, special, general purposes, reconvening, SB 420.
- Credits, claims, metal manufacturing plants, under construction, provision, \*Sub SB 897, CH. 299 EX. PV.
- Manufacturing, claims, two-year limitation, provision, \*Sub SB 897, CH. 299 EX. PV.
- Delinquent, interest, state, taxing district, credit distribution, SB 154.
- Late payments, penalty rate, increased, \*Sub SB 897, CH. 299 EX. PV.
- Payment, penalties, interest application, priority provision, \*Sub SB 897, CH. 299 EX. PV.
- Property, real, entire payment, prior to segregation, required, \*SB 37, CH. 48 EX.
- Unpaid assessments, interest rate, increased, \*Sub SB 897, CH. 299 EX. PV.
- Display items, trade shows, personal property, exempt, \*Sub SB 897, CH. 299 EX. PV.
- Districts, double amendment, previous session, corrected, \*HB 96, CH. 10.
- Regular property, raise limitation, SB 1, SB 855, \*Sub HB 283, CH. 288 EX. PV.
- Electric generating, facilities, steam powered, provisions, SB 852.
- Electrical energy, use, imposed, \*Sub SB 897, CH. 299 EX. PV.
- Excise, alcoholic beverages, excise, increased, \*Sub SB 897, CH. 299 EX. PV.
- Cigarettes, increased, \*Sub SB 897, CH. 299 EX. PV.
- Delinquent, penalty rate, increased, \*Sub HB 461, CH. 179 EX.
- General revisions, SB 409, Sub SB 409.
- Hotels, motels, special use, all counties, stadium purposes, imposition authorized, SB 769.
- Mobile homes, county share, retention provisions, SB 625.
- Motor vehicle, July apportionment, fiscal year, crediting, \*HB 486, CH. 80 EX.
- Motor vehicles, special, mass transit purposes, population basis formula, distribution, SB 413, \*HB 543, CH. 199 EX.
- Trailers, leased, rented, nonresident interstate operations, passenger, property transportation, exempted, SB 352, \*Sub SB 352, CH. 11 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TAXES—Continued:

- Payment period, due date, previous month credit provision, \*Sub HB 461, CH. 179 EX.
- Sales, use, local, public transit systems, financing, imposition authorized, \*SB 691, CH. 296 EX. PV.
- Tobacco products, increased, \*Sub SB 897, CH. 299 EX. PV.
- Exemptions, exclusions, decennial review, \*HJR 1.
  - Dollar amount estimates, budget listing, HB 5.
- Fire districts, excess levies, any purpose, special election provision, SB 493.
  - Increased levies, special elections, provisions, \*SB 269, CH. 105 EX.
  - Protection districts, excess levies, over permissible limits, special elections, provisions, \*SB 269, CH. 105 EX.
- Forest, school district allocation, yield basis income, proposition, allocation provision, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Forest lands, timber, ad valorem system basis, revised, SB 849, \*Sub SB 849, CH. 294 EX. PV.
  - Tax temporary committee, continued, \*SCR 9.
- Foundations, not for profit, certain tax related activities, prohibited, SB 223, \*HB 217, CH. 59.
- Fruit trees, seedlings, rootstock, assessment, annual, imposed, \*SB 410, CH. 33 EX. PV.
- Fuels, marine, portion, coastal protection fund, allocation, \*Sub HB 655, CH. 180 EX.
  - Recreation project cost use, amount limitation revised, \*HB 212, CH. 140 EX.
  - Special, imposed, \*Sub HB 247, CH. 175 EX.
- Glider, definition, aircraft, tax purposes, HB 153(a).
- Hospital districts, taxing limits increased, revenue bonds issuance authorized, \*HB 1046, CH. 218 EX.
- Housing authorities, Indian, real property exempt, SB 873.
- Income, federal, state sharing, petitioned, HJM 1.
  - Interest, double amendment, previous session, corrected, \*HB 99, CH. 13.
  - Net, imposed, tax reform act, provisions, SB 924.
  - School districts, imposition authorized, SB 634, SB 927.
  - Single rate, corporations, graduated rate, individuals, structure revised, provisions, SB 923.
- Industries, payment deferral provisions, SB 301.
- Information manual, property taxes, taxpayer petition, appeal preparation purposes, provision, HB 167.
- Inheritance, city retirement, pension system benefits, exempt, HB 897.
  - Escheats, refunds, interest rate, time limitation provision, SB 651.
  - Military retirement annuities, exempt, HB 61.
  - Payment period, reduced, \*HB 213, CH. 132 EX.
- Inventories, business, credit allowances, income tax imposed, tax reform act, provisions, SB 924.
- Inventory, licenses, credit allowances, 10-year phasing out provisions, SB 546, SB 924.
- Janitorial services, defined, sales tax purposes, \*Sub SB 897, CH. 299 EX. PV.
- Leasehold estates, public, rentals, certain considerations, deductions, SB 331, \*HB 493, CH. 43 EX.
  - Taxes, absorption, lease modification provisions, \*HB 493, CH. 43 EX.
- Levies, property, excess, fire protection districts, special election, provisions, SB 493.
  - Extra, cities, without firemen's pension fund, imposition not required, SB 723.
  - Special, limited, income tax imposed, tax structure revised, SB 923.
  - Township assessment, authorized, SB 851.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TAXES—Continued:

- State, two mills for schools, time period extended, HB 307.
- Limitation, statutory, 20 mills, INT 44 . . . . . p. 175
- Liquor, city, county share, alcoholism program, allocation, provision, \*SB 214, CH. 104 EX. PV.
- Livestock, personal property assessment, monthly holding basis, HB 881.
- Local improvement districts, assessments, economically disadvantaged, payment deferral, provisions, HB 1070(a).
- Marine, fuel, portion, coastal protection fund, allocation, \*Sub HB 655, CH. 180 EX.
  - Recreation project cost use, amount limitation revised, \*HB 212, CH. 140 EX.
- Medical service corporations, exemptions, title only, SB 705.
- Mobile homes, personal property, imposed, \*Sub HB 69, CH. 231 EX.
- Motor vehicle fuel, cement mixer, garbage, fuel delivery trucks, power take-off unit use, tax refund, \*HB 353, CH. 36 EX.
  - Certain non-highway users, refund, \*HB 353, CH. 36 EX.
  - Commercial marine vessels, exempt, Sub HB 730.
  - Ditch riders, certain farm trucks, non-highway use, refunds, SB 853.
  - Ferry system, percentage, allocation, SB 915, \*Sub SB 915 VETOED.
  - Low pollution, propane, tax exemption, SB 741.
    - 50% reduction, SB 741(a).
  - One-half cent increase, urban arterial trust account, allocation, SB 734.
  - Pleasure craft, exemption repealed, Sub HB 730(a).
  - Rural mail carrier use, refunds, SB 889.
  - Special, imposed, \*Sub HB 247, CH. 175 EX.
  - Title only, SB 707.
  - Urban arterial bonds, payments, allocation provision, SB 912.
    - Trust account insufficiency, allocation provision, \*HB 759, CH. 291 EX. PV.
- Motor vehicle, mobile home, travel trailers, destroyed, excise tax, license fee, refund provisions, HB 1082.
  - Special excise, municipalities, effective date, extended, SB 194.
- Natural gas, distribution, B&O, increased, \*Sub SB 897, CH. 299 EX. PV.
- Notice, mailed, receipt use purposes, \*HB 251, CH. 35 EX.
- Nuclear steam facilities, joint operating agency, in lieu payments, exempt, \*HB 82, CH. 75 EX.
- Penalties, late payments, rate increased, \*Sub SB 897, CH. 299 EX. PV.
- Pollution control facility, credits, exemption certificate, issuance, denial, appeal, provisions, Sub HB 1081.
- Property, appeals referrals, equalization board duties, HB 518.
  - Assessed valuation, increase, payment under protest, provision removed, \*SB 925, CH. 42 EX.
    - 1%, income tax, imposed, tax reform act, SB 924.
    - 25%, 40 mills, \*SJR 1.
  - Blood banks, nonprofit, exempted, \*HB 1123, CH. 206 EX.
  - Delinquent interest rate, reduced, SB 917.
  - Evaluation procedure, improperly performed, notice distribution provision, \*SB 925, CH. 42 EX.
  - Excess levies, fire protection districts, special election, provisions, SB 493.
    - School districts, elections, provisions, SB 476.
    - Salary allocation, amount indicated, SB 309.
  - Townships, assessment authorized, SB 851.
  - Three-fifths majority, 40% previous election vote, \*HJR 47.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## TAXES—Continued:

- Exemption, private schools, colleges, description, expanded, \*HB 1123, CH. 206 EX.
- Fire protection district levies, over permissible limits, special elections, provisions, \*SB 269, CH. 105 EX.
- Hops in transit, exempted, SB 819, \*HB 860, CH. 137 EX.
- Increase, 106% limitation, SB 1, SB 855, \*Sub HB 283, CH. 288 EX. PV.
- Information manual, taxpayer petition, appeal preparation purposes, provision, HB 167.
- Levies, special, township assessment, authorized, SB 851.
  - State, two mills for schools, time period extended, HB 307.
- Nurseries, growing stock, listing required, \*SB 515, CH. 18 EX.
- Permanent committee, created, duties, appropriation, \*Sub HB 283, CH. 288 EX. PV.
- Personal, display items, trade shows, exempt, \*Sub SB 897, CH. 299 EX. PV.
  - Livestock, assessment, monthly holdings basis, HB 881.
  - Mobile homes, imposition, \*Sub HB 69, CH. 231 EX.
  - Tangible, displayed six months, imposed, SB 920.
- Port districts, commercial profit use, payment provisions, SB 803.
- Real, assessed value, prior, new, taxpayer notice, county assessor, required, \*Sub HB 283, CH. 288 EX. PV.
  - Assessment roll, development, use restrictions, recording, required, HB 167(a).
  - Assessments, local improvement district, nature, amount, owner notice provision, HB 704.
  - Certain exemption requests, procedures, fees, SB 779.
  - Cyclical revaluation program, periodic inspections, revisions, county assessor, required, \*Sub HB 283, CH. 288 EX. PV.
    - Ratios, revenue department, duties, \*Sub HB 283, CH. 288 EX. PV.
  - Delinquent, entire payment, prior to segregation, required, \*SB 37, CH. 48 EX.
  - Penalty, interest amount, increase provision, \*Sub HB 283, CH. 288 EX. PV.
  - Erroneous payment, refund provision, HB 110, SB 236, \*Sub HB 283, CH. 288 EX. PV.
  - Evaluations, illegal, unconstitutional, county assessor, owner notice required, \*Sub HB 283, CH. 288 EX. PV.
  - Governmental acquisition, pro rata allocation, payment, provision, \*SB 144, CH. 260 EX.
  - Nonprofit sectarian organizations, exemptions, \*HB 38, CH. 64 EX.
  - Owner evaluation, tax value establishment purposes, \*Sub HB 283, CH. 288 EX. PV.
  - Payment deferrals, certain retired, disabled persons, lien provisions, SB 603.
    - Exemptions, revaluations, increase limitations, provisions, SB 855, \*Sub HB 283, CH. 288 EX. PV.
  - Revaluation adjustments, inspectional intervals, statistical data use authorized, SB 296, SB 855, \*Sub HB 283, CH. 288 EX. PV.
    - Program, periodic inspection, revision, county assessors, required, SB 924.
  - Senior citizens, exemptions, SB 45, SB 568, SB 753, SB 834, SB 855, SB 924, \*Sub HB 283, CH. 288 EX. PV.
  - Tax valuation, changes, \$1,000 or more, owner notice requirements, SB 427.
  - Title only, SB 772.
  - Totally disabled women, exemption provisions, SB 45.
  - True, fair value, taxation purposes, defined, \*Sub HB 283, CH. 288 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TAXES—Continued:

- Regular, cyclical revaluation plan implementation, maximum millage rate, limitation, SB 890.
- Revaluations, increases, entire county requirement, SB 424.
- Revenue, received, anticipated, county treasurer, state report requirement, \*Sub HB 283, CH. 288 EX. PV.
- State levy, one-fourth mill increase, property revaluations, investigative purposes, HB 307, \*Sub HB 283, CH. 288 EX. PV.
  - Two mills, public assistance allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
  - School district allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV, \*Sub SB 897, CH. 299 EX. PV.
  - Four mills, schools, public assistance allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- Tax advisor, counties, appointment, duties, \*Sub HB 283, CH. 288 EX. PV.
- Tuberculosis facilities, funding, levy provisions, \*HB 313, CH. 277 EX. PV.
- Public assistance, property levy, state two-mill allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV.
- Employees, tax deferred annuity plan, provisions, \*SB 659, CH. 264 EX.
- Improvements, contract amounts, retained percentage tax lien priority, increased to \$20,000, \*Sub SB 897, CH. 299 EX. PV.
- Land, transferred to private ownership, taxing provisions, \*HB 728, CH. 44 EX.
- PUD's, generating facilities, reservoir, privilege tax funds, school district allocation, provision, SB 886.
- Puget Sound industry, diversification, dispersion, exemptions, SB 34.
- Real estate, excise, exemption affidavits, filing fee, HB 252.
  - Sales, corporate controlling interest, including timber, provision, SB 644.
- Reforestation land, yield, acreage, increased, \*Sub SB 897, CH. 299 EX. PV.
- Reform, act, provisions, SB 924.
- Revenue, taxation, general revisions, SB 753.
  - Title only, SB 897, SB 900, SB 909.
- Road districts, levied, not collected, code city distribution, provision, SB 678, \*Sub SB 678, CH. 251 EX.
  - Millage, county, funds, use, other purposes, permitted, SB 284, SB 310, \*HB 248, CH. 25 EX.
- Sales, coin operated laundry facilities, excluded, SB 492.
  - Food container deposit charges, exempt, SB 87.
    - Drugs, revised, income tax imposed, tax reform act, SB 924.
  - Local, expiration date, repealed, HB 505.
  - Prescription drugs, exempt, income tax imposed, tax reform act, SB 924.
  - Services, certain, imposed, SB 931.
  - State road contractors, inclusion, \*Sub SB 897, CH. 299 EX. PV.
  - Toilet preparation, 20%, imposed, SB 859.
  - Use, local, city share limitation, expiration date removed, SB 806.
    - Clarified, SB 650.
- School districts, excess levies, elections, provisions, SB 476.
  - Salary allocation, amount indicated, SB 309.
  - Income tax on property, authorized, SB 634, SB 927.
  - Property levy, state, two mills allocation, time period extended, HB 307, \*HB 172, CH. 281 EX. PV, \*Sub HB 283, CH. 288 EX. PV, \*Sub SB 897, CH. 299 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TAXES—Continued:

- Schools, colleges, private, tax exempt property, description, expanded, \*HB 1123, CH. 206 EX.
- Sectarian organizations, nonprofit, real property, exemptions, \*HB 38, CH. 64 EX.
- Senior citizens, apartments, cooperative association, residence, exemption purposes, definition inclusion, SB 916.
- Real property, exemptions, SB 45, SB 568, SB 753, SB 834, SB 855, \*Sub HB 283, CH. 288 EX. PV.
- Services, certain, sales, imposed, SB 931.
- Social and health services employees, tax deferred annuities, provisions, SB 272.
- Statutes, \*HB 172, CH. 281 EX. PV.
- Statutory limitation, 20 mills, INT 44 . . . . . p. 175
- Television reception improvement districts, financing provisions, \*Sub HB 1041, CH. 155 EX.
- Timber, excise, yield basis, provision, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Forest lands, ad valorem system basis, revised, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Timberlands, appraisal manual revisions, rates, valuations, appeals, provisions, SB 850.
- Tobacco products, excise, increased, \*Sub SB 897, CH. 299 EX. PV.
- Toilet preparations, sales, 20%, imposed, SB 859.
- Trusts, charitable, not for profit foundations, certain tax related activities, prohibited, SB 222, \*HB 216, CH. 58.
- Tuberculosis hospitals, maintenance, operation, imposed, \*HB 313, CH. 277 EX. PV.
- University tract, University of Washington, Seattle governmental services, payment provisions, SB 744.
- Vehicles, all-terrain, excise, fuel, trail allocation provisions, \*Sub SB 372, CH. 47 EX.
- Vessels, commercial marine, motor vehicle fuel excise, exempt, Sub HB 730.
- Women, totally disabled, real property, exemption provision, SB 45, SB 568, SB 753, SB 834.

## TEACHERS:

- Certification, professional practices commission established, HB 1094(a).
- Colleges, universities, academic tenure, problems, issues, higher education council study, HCR 14.
- Conduct code, established, SB 518.
- Community colleges, organization, negotiations, trustee boards, academic employees, provisions, \*HB 739, CH. 196 EX.
- Salaries, operating expenses, 50% requirement, SB 805.
- Contracts, renewals, legislative session year, notice provision, SB 286.
- Supplemental, continuing, provisions, SB 303.
- Employment, non-return, notice required, SB 94, SB 286(a).
- Insurance, health, protection, provisions, school payments, amount increased, SB 464(a).
- On-duty coverage, school district provision, \*SB 298, CH. 269 EX.
- Premiums, school district payment, amount increased, HB 350, SB 464(a).
- Leave, annual, emergency purposes, provisions, \*HB 346, CH. 203 EX.
- Pensions, post retirement adjustments, SB 169.
- Professional practice commission, established, HB 1094(a).
- Retired, allowances, insurance premiums, deductions authorized, \*HB 434, CH. 63.
- Retirement system, college, university faculty, employees, certain, membership, provisions, \*SB 368, CH. 261 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

TEACHERS—Continued:

- Duties transferred, finance and business regulation department, SB 711.
- Private school transfers, service credit provision, SB 268.
- Sabbaticals, stipends, 1971-73 biennium, granting, authority suspended, SB 867.
- School districts, negotiations, title only, HB 1094, SB 872.
- School, principals, supervisory personnel, negotiations representation, employee organization membership, optional, SB 653.
- Private, public school transfers, seniority rights, SB 267.
- Sick leave, accumulated severance pay use, SB 129.
- Teaching methods, certificated personnel, feasibility study, SB 404.
- College faculty, periodical classroom experience, SB 404.
- Universities, faculties, employees, retired, ineligible for social security, pension benefits increased, SB 78, \*HB 125, CH. 76 EX.

TELEGRAPHS:

- Underground wiring, new installation, platted property, requirements, SB 275.

TELEPHONES:

- Justice court judges, advertising, classified pages, prohibited, SB 585.
- Underground wiring, electrical, communication facilities, installation, costs, provisions, \*SB 164, CH. 103 EX.
- New installation, platted property, requirements, SB 275.

TELEVISION AND RADIO:

- Advertisements, unfair, deceptive, liability, knowledge required, SB 792(a).
- Candidates, major parties only, equal time, petitioned, HJM 6.
- Districts, television reception improvement, authorized, financing provisions, \*Sub HB 1041, CH. 155 EX.
- Public, instructional, educational television, state-wide system, HB 445, SB 330.
- Underground wiring, new installation, platted property, requirements, SB 275.

TESTS:

- Blood, marriage license prerequisite, SB 31.
- Withdrawal, intoxication test purposes, motor vehicle implied consent, liability, HB 239.

THAL, SANFORD:

- Pharmacy board, member, appointment, confirmation, \*\*GA 60 . . . pp. 187, 913, 1468

THERMAL POWER:

- Environment, impact, study, research, reports, provisions, SB 665.
- Greager, Dr. Oswald H., plant site evaluation council, chairman, appointment, GA 25 . . . . . p. 100
- Steam operating facilities, joint operating agency, in lieu tax payments, exempt, \*HB 82, CH. 75 EX.
- Taxation, provisions, SB 852.

TIBBITTS, OLIVER:

- Grays Harbor community college, trustee board member, appointment, confirmation, \*\*GA 30 . . . . . pp. 101, 898, 1297

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

**TIDELANDS:** (see also Shorelands and Shorelines, also Water)

- Buildings, multi-storied residences, public waterfront, restrictions, SB 54.
- King county, Ballard tidelands area, community college board, state conveyance, \*SB 82, CH. 241 EX.
- Rights, civil action filings, attorney general notification required, HB 979.
- Second class, sales, leases, natural resources department, expenses, allowable reimbursement, income percentage provisions, \*HB 477, CH. 224 EX.
- State, certain, management expenses, income allocation, provisions, SB 339.
- First, second class, leasing provisions, SB 178, \*HB 40, CH. 217 EX.
- Sale, prohibition provisions, SB 178, \*HB 40, CH. 217 EX.
- Platted, certain, leases only, provisions, SB 178.
- Wood fibre debris, state tidal waters, removal provisions, HB 204.

**TIMBER:**

- Appraisal manual, revisions, rates, valuations, appeals, provisions, SB 850.
- Counties, listing, values, assessment rolls, assessor, provisions, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Fallen, public land resources, small sale procedures, revisions, \*HB 237, CH. 123 EX.
- Fire hazard debris, control, suppression, costs, rules, regulation, \*HB 1034, CH. 207 EX.
- Lands, taxes, ad valorem system basis, revised, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Real estate sales, excise tax, corporate controlling interest, timber included, provisions, SB 644.
- Taxes, appraisal manual revisions, rates, valuations, appeals, provisions, SB 850.
- Excise, yield basis, provision, SB 849, \*Sub SB 849, CH. 294 EX. PV.
- Lands, harvests, ad valorem system basis, revised, SB 849, \*Sub SB 849, CH. 294 EX. PV.

**TIRES:**

- Fire department vehicles, studded, use, Nov. 1–April 1, permitted, \*SB 95, CH. 32 EX. PV.
- School buses, studded, use, Nov. 1–April 1, permitted, \*SB 95, CH. 32 EX. PV.
- Standards, \*HB 298, CH. 77.

**TITLE ONLY BILLS:**

- Agriculture, SB 881.
- Air pollution, SB 896.
- Alcoholic beverage control, SB 712, SB 800.
- Banking, SB 660, SB 663.
- Building designers, registration, SB 681.
- Business and professions, SB 670.
- Children, handicapped, services, SB 4.
- Chiropractors, SB 562.
- Disciplinary board, SB 563.
- Cities, towns, SB 717.
- Counties, SB 683.
- Commerce, SB 697.
- Congressional districts, redistricting, reapportionment, HB 873.
- Consumer protection, SB 680, SB 684.
- Counties, SB 714.
- County officials, elected, salaries, SB 799.
- Drugs, abuse control, SB 5.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TITLE ONLY BILLS—Continued:

- Dangerous, SB 623.
- Economic development, SB 743.
- Education, SB 325, SB 326, SB 346, SB 532, SB 724.
  - Implementing law, SB 679.
- Elections, HB 725.
- Ferry system, SB 875.
- Fish, migratory, SB 751.
  - Shellfish, preservation, regulation, SB 708.
- Fisheries department, SB 795.
  - Budgeting, SB 784.
- Fishing, commercial, SB 793.
- Food fish, shellfish, SB 520, SB 521, SB 785, SB 913.
- Game, game fish, SB 730.
- Health and welfare plans, SB 703.
- Higher education, SB 595, SB 637.
- Highways, public, SB 487, \*SB 486, CH. 262 EX.
  - Utility facility relocation, SB 787.
- Industrial sites, lands, SB 742.
- Insurance, SB 661, SB 662, SB 844.
  - Rates, SB 746.
- Intergovernmental cooperation, SB 910.
- Judicial system, SB 698.
- Judiciary, SB 809.
- Justice courts, SB 914.
- Legislative municipal committee, created, SB 682.
- Legislature, redistricted, reapportioned, HB 747, SB 928, SB 929, SB 930.
- Local government, HB 516, SB 608, SB 609, SB 610, SB 645, SB 646.
- Manufacturer's labels, SB 740.
- Marriage, divorce, uniform act, SB 827.
- Medical service corporations, created, SB 695.
  - Tax exemptions, SB 705.
- Motor vehicle fuel tax, SB 707.
- Naches pass tunnel, feasibility, SB 733.
- Natural resource districts, SB 810.
- Navigable waters, obstructions, SB 528.
- Nisqually delta preservation act, SB 908.
- Noise pollution, standards, SB 3.
- Nuclear energy, peaceful utilization, SB 748.
- Outdoor recreation facilities, SB 808.
- Political campaign, monetary limitations, SB 2.
- Port districts, SB 728.
- Ports, public, SB 731.
- Property, real, taxes, SB 772.
- Public assistance recipients, health care, SB 575.
- Public lands, sale, HB 1063.
- Public officials, ethical standards, SB 893.
  - Works, contracts, in lieu performance bonds, SB 826.
- Reapportionment, redistricting, legislature, HB 747.
- Redistricting, reapportionment, congressional districts, HB 873.
- Retail installment sales, SB 558.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TITLE ONLY BILLS—Continued:

- Retirement, SB 592, SB 593, SB 602, SB 636.
- Revenue, taxation, SB 897, SB 900, SB 909.
- Savings, loan associations, SB 780.
- School districts, certificated personnel, HB 1094, SB 872.
  - Special levies, SB 328.
- Schools, discrimination, SB 501.
- Sewers, sewerage, SB 749, SB 761.
- Small loans, SB 672.
- Social and health services, SB 727.
  - Family planning, SB 556.
  - Powers, duties, SB 901.
- Solid waste, commerce, collection, SB 837.
- State fund apportionment, SB 359.
- State government, HB 1022, SB 797, \*HB 798, CH. 65 EX., \*HB 865, CH. 287 EX. PV.
- State park and recreation act, SB 426.
- Suggestion awards program, SB 847.
- Supreme court, composition, SB 791.
- Trade stimulants, SB 845.
- Transportation, SB 895, SB 912, \*HB 892, CH. 195 EX.
- Transportation system, land use planning, title only, SB 882.
- Unemployment compensation, SB 622.
- Utilities, SB 667, SB 669.
- Vehicles, scrap, disposal, SB 671.
- Veterans' affairs, SB 729.
- Vocational education, SB 533, SB 536.
  - Act, SB 534.

## TOBACCO: (see also Cigarettes)

- Products, excise tax, increased, \*Sub SB 897, CH. 299 EX. PV.

## TOILET PREPARATIONS:

- Tax, sales, 20%, imposed, SB 859.

## TOOLS:

- Forest protection, sealed boxes, unauthorized entry, penalty, SB 341(a), \*HB 303, CH. 134 EX.

## TOURISTS:

- Cities, towns, counties, tourist promotion expenditures authorized, \*SB 579, CH. 61 EX.

## TOWNSHIPS:

- Dissolution, cemetery disposal procedures, SB 349.
- Property taxes, excess levies, assessment authorized, SB 851.

## TOXICOLOGISTS:

- State, motor vehicle accident fatalities, drivers, pedestrians, blood samples required, \*SB 467, CH. 270 EX.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

**TRADE:**

Show, display items, use tax, exempt, \*Sub SB 897, CH. 299 EX. PV.  
Stimulants, title only, SB 845.

**TRAFFIC CONTROL:**

Blind persons, using guide dog, road crossings, traffic right-of-way, SB 632, \*HB 357, CH. 77 EX.  
Habitual traffic offenders act, penalties, procedures, provisions, SB 362, \*Sub HB 321, CH. 284 EX. PV.  
Intersection right-of-way, established, SB 290.  
Motor vehicle operators, juvenile offenders, minor violations, any court, jurisdiction, SB 436.  
Motor vehicles, police, blue lights, use, regulation, SB 435, \*SB 136, CH. 92 EX.  
Police signal, failure to stop, penalties, SB 488.  
Rules of the road, motor vehicles, general amendments, SB 299.  
Violations, penalty, monies, traffic safety education account, distribution provision, \*HB 645, CH. 26 EX.

**TRAILERS: (see Trucks and Tractors, also Mobile Homes)**

Mobile homes, defined, \*Sub HB 69, CH. 231 EX.

**TRAILS:**

All-terrain vehicles, funds allocation, provisions, \*Sub SB 372, CH. 47 EX.  
Highways, projects, trail plans, consideration, provision, \*Sub SB 372, CH. 47 EX.  
Recreation, severance, destruction, highway construction causes, alternate trails, planning, provisions, \*HB 1060, CH. 130 EX.  
Recreational, construction, maintenance, volunteer assistance, use authorized, \*Sub SB 372, CH. 47 EX.  
Inventory, existing, potential routes, interagency committee for outdoor recreation, preparation provisions, \*Sub SB 372, CH. 47 EX.

**TRANSFUSIONS:**

Blood, warranties, liability, immunity provisions, \*HB 157, CH. 56.

**TRANSIT SYSTEMS: (see also Transportation, also Mass Transit)**

Mass transit, motor vehicle excise tax, special, population basis formula, distribution, SB 413, \*HB 543, CH. 199 EX.  
Metropolitan municipal corporations, existing facilities, acquisition, purchase provisions, \*SB 690, CH. 303 EX. PV.  
People-moving systems, provisions, \*SB 690, CH. 303 EX. PV.  
Municipal, buses, private carriers, schools, leases, authorized, \*SB 690, CH. 303 EX. PV.  
Operation outside city limits, limitation provision removed, SB 823.  
Public, financing, local excise tax authorized, \*SB 691, CH. 296 EX. PV.

**TRANSPORTATION: (see also Transit Systems, also Mass Transit)**

Aircraft, interstate, regulation, SB 361.  
Committee, legislative created, powers, duties, \*HB 892, CH. 195 EX.  
Cross-sound, evaluation, financing, development plan, authorized, \*HB 659, CH. 149 EX.  
Department, created, HB 539, SB 444, SB 588.  
Hay, public highways, cargo manifest required, SB 880.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## TRANSPORTATION—Continued:

- Joint committee, banking, insurance and transportation, joint committee created, duties, SB 668.
- Mass, department created, powers, duties, SB 704.
- Mass transit, motor vehicle excise tax, special, population basis formula, distribution, SB 413, \*HB 543, CH. 199 EX.
- Motor vehicle fund, transportation funds, sources, financial condition, study, \*HB 892, CH. 195 EX.
- Municipal systems, operation outside city limits, limitation provision removed, SB 823.
- Public systems, financing, local excise tax authorized, \*SB 691, CH. 296 EX. PV.
- Rail system, basic, pacific northwest inclusion, petitioned, HJM 8, SJM 3.
- School buses, governmental agency emergencies, leases permitted, SB 46, \*HB 75, CH. 24.
- Schools, student busing, without parental permission, state funds use prohibited, SB 317.
- Students, without parental permission, budget funds use, prohibited, \*Sub HB 151, CH. 275 EX. PV.
  - State funds use, prohibited, SB 317.
  - Written parental permission required, SB 9, SB 11.
- Studies, transportation, highway related, provisions, \*HB 892, CH. 195 EX.
- System, land use planning, title only, SB 882.
- Title only, SB 895, SB 912, \*HB 892, CH. 195 EX.
- Trucks, operators, interstate, national licensing regulation, abandonment petitioned, \*SJM 16.

## TRANSPORTATION COMMITTEE:

- Legislative, created, powers, duties, \*HB 892, CH. 195 EX.

## TRAVEL:

- State employees, out-of-state, expenditures, minimum level, approval provisions, \*Sub HB 151, CH. 275 EX. PV.

## TREES: (see also Forest and Forestry, also Timber)

- Christmas, farm truck transportation, gross weight fee, special rate, inclusion, SB 899.
- Fruit trees, seedlings, rootstock, tax assessment, annual, imposed, \*SB 410, CH. 33 EX. PV.

## TROUP, JOHN B.:

- Higher education personnel board, member,
  - appointment, confirmation, \*\*GA 57 . . . . . pp. 186, 1545, 1782

## TRUANTS:

- Schools, parental schools, obsolete code provisions repealed, \*HB 12, CH. 44.

## TRUCKS AND TRACTORS:

- All-terrain vehicles, registration, use, operation, regulations, \*Sub SB 372, CH. 47 EX.
  - Snowmobiles, licensing, regulation, \*SB 156, CH. 29 EX.
- Boat transporters, covered vans, fourteen-foot height limitation provision, inclusion, SB 401.
  - Fourteen-foot height limitation provision, inclusion, \*Sub SB 401, CH. 248 EX.
- Campers, excise tax, imposition, regulations, HB 112, \*Sub SB 897, CH. 299 EX. PV.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## TRUCKS AND TRACTORS—Continued:

- Licensing, provisions, gross weight tonnage computation, exempt, \*Sub HB 69, CH. 231 EX.
- Cities, counties, overlegal loads, special permits, issuance, \*Sub SB 401, CH. 248 EX.
- Common carriers, interstate, licensing, alternate fees, provisions, \*HB 229, CH. 143 EX.
- Driving experience abstracts, insurance use, restricted, SB 256.
- Excise tax, leased, rented vehicles, nonresident interstate operations, passenger, property transportation, exempted, SB 352, \*Sub SB 352, CH. 11 EX.
- Farm, forestry product transportation, gross weight fee, special rate inclusion, SB 899.
- Garbage, collection companies, fees, utilities and transportation commission, amount increased, \*HB 229, CH. 143 EX.
- Rear axle load, limitation exemption, \*SB 209, CH. 244 EX.
- Gross load, additional, special permit violations, penalties, \*SB 450, CH. 249 EX.
- Lights, warning, two reflector elements, requirement removed, \*SB 369, CH. 97 EX.
- Log tolerance permits, city issuance provisions, \*SB 450, CH. 249 EX.
- Motor carrier, commercial zones, terminal areas, municipalities, establishment, SB 664.
- Motor vehicle fuel, cement mixer, garbage, fuel delivery trucks, power take-off unit use, tax refund, \*HB 353, CH. 36 EX.
- Ditch riders, certain farm trucks, non-highway use, tax refunds, SB 853.
- Operators, all, classified license required, \*HB 53, CH. 126 EX.
- Classified vehicles, union dispatching, certification acceptance provision, \*HB 53, CH. 126 EX.
- Interstate, national licensing regulations, abandonment petitioned, \*SJM 16.
- Overlegal loads, special permits, fees, \*Sub SB 401, CH. 248 EX.
- Overload fines, allocation, annual distribution provisions, \*HB 30, CH. 17.
- Overloads, grain, perishable commodities, certain cases, unloading not required, \*HB 644, CH. 148 EX.
- Violations, person controlling loading, equal liability, \*HB 644, CH. 148 EX.
- Public service companies, rates, investigation, costs, assessment provision, \*HB 229, CH. 143 EX.
- Reciprocal mileage, computation, proportional registration, provisions revised, \*HB 54, CH. 51.
- Trailers, trucks, length limits extended, highway use permitted, SB 401, \*Sub SB 401, CH. 248 EX.
- Travel trailers, mobile homes, motor vehicles, destroyed, excise tax, license fee, refund provisions, HB 1082.

## TRUSTS:

- Charitable, formation, trustee, administration, purposes, provision, \*HB 84, CH. 226 EX.
- Private foundation, certain tax related activities, prohibited, \*HB 216, CH. 58.
- Trustees, reports, filing, general revisions, \*HB 84, CH. 226 EX.
- Companies, branches, establishment, any place in state, authorized, SB 399.
- Investments, U.S. mortgage corporation securities, authorized, HB 274.
- Legal business, solicitation authorized, SB 279.
- Deeds, foreclosures, recording, registration, without judicial confirmation, provisions, SB 828.
- Mortgage sale, redemption period extended, SB 70.
- Statute revision, HB 408.
- Income, principal classification, distribution, share rights, trustee apportionment, \*HB 66, CH. 74.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

TRUSTS—Continued:

- Monies, public depositories, deposits authorized, SB 577.
- Perpetuities, all, rule against, applicable, \*HB 362, CH. 229 EX.
- Principal and income act, enacted, \*HB 66, CH. 74.
- Savings and loan associations, services, authorized, SB 274.

TUBERCULOSIS:

- Districts, two, respiratory disease hospitals, establishment authorized, \*HB 313, CH. 277 EX. PV.
- Hospitals, facilities, funding, property tax, levy provisions, \*HB 313, CH. 277 EX. PV.

TUITION AND FEES:

- College, graduate work, fees, SB 201.
- Colleges, private, undergraduate, resident, supplementation, \*SB 419, CH. 56 EX.
  - Resident, nonresident students, defined, tuition fee purposes, \*SB 594, CH. 273 EX.
- Universities, construction, financing, 100% general tuition fees pledge, authorized, \*Sub HB 740, CH. 279 EX. PV.
  - New categories, rate schedules, established, \*Sub HB 740, CH. 279 EX. PV.
  - Payment, deferral, promissory note, provisions, SB 877.
  - Student's unauthorized absences, forfeiture provisions, SB 259.
- Community colleges, nonacademic services, facilities, financing, special student fees, authorized, SB 383.
  - Speakers, from outside Washington state, payment, tuition fees use, prohibited, SB 383(a).
  - Students, pursuing high school diploma, free tuition, SB 815, SB 829.
- Credit cards, tuition payments, factoring charges prohibited, HB 572.
- Postgraduate students, college, certain incidental fees, exempt, SB 217.
- Schools, student body activities, organized, allocation provisions, SB 537.

TUNNELS:

- Naches Pass, feasibility study, title only, SB 733.

TWIGG, SENATOR ROBERT W.:

- Protest, ESHB 151 . . . . . p. 1757

UNDERGROUND WORKERS:

- Working alone, prohibited, SB 504.

UNEMPLOYMENT COMPENSATION:

- Benefits, during 6% unemployment rate periods, extension provision, SB 885.
  - Eligibility determinations, certain retirement pensions, excluded, SB 622(a).
  - Extended, definitions, standards, provisions, \*SB 58, CH. 1.
  - Lockouts, picket lines, eligibility, SB 702.
- Collection procedures, general revisions, HB 859.
- Employees, state, nonprofit organizations, coverage, SB 120, \*HB 199, CH. 3.
- Pensions, federal, remuneration classification, excluded, SB 864.
  - Retirement, prior year wage credits basis, remuneration, benefits reduction, exempt, SB 622(a).
- Students, certain eligibility benefits, restriction provisions, HB 996.
- Title only, SB 622.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## UNEMPLOYMENT COMPENSATION—Continued:

- Washington law, federal conformity, \*SB 58, CH. 1.
- Coverage extended, SB 120, \*HB 199, CH. 3.

## UNFAIR BUSINESS PRACTICES:

- Merchandise, defective, warranty, cash payments provisions, SB 604.

## UNIFORM COMMERCIAL CODE:

- Bulk sales transfer, assets, immediate transfers permitted, \*HB 206, CH. 23.
- Secured transactions, searches, copies, certain, fees increased, HB 226.

## UNIONS:

- Collective bargaining, municipal employees, general revision, SB 627.
- Firemen, civil service removal, suspension, labor activity reasons, hearing procedures, SB 421.
- Labor, member transfers, compensation, fringe benefit funds, transfer provisions, SB 572.
- Labor relations act, enacted, SB 371.
- Motor vehicle operators, dispatching, classified vehicle, certification acceptance provision, \*HB 53, CH. 126 EX.

## UNIT PRICES:

- Disclosure, provisions, SB 315.

## UNIVERSITY OF WASHINGTON: (see also Colleges and Universities)

- Ellis, James R., member board of regents,
  - appointment, confirmation, \*\*GA 78 . . . . . pp. 1022, 1319, 1615
- Flenbaugh, Dr. Robert L., regents board member,
  - appointment, confirmation, \*\*GA 23 . . . . . pp. 100, 1319, 1781
- Neupert, Jack G., regents board member,
  - appointment, confirmation, \*\*GA 24 . . . . . pp. 100, 1319, 1781
- Powell, George V., regents board member,
  - appointment, confirmation, \*\*GA 77 . . . . . pp. 1022, 1319, 1614
- Stadium, public, SB 80.
- University tract, Seattle governmental services, payment provision, SB 744.

## URBAN ARTERIALS:

- Board, reporting, advance planning, time periods revised, \*HB 759, CH. 291 EX. PV.
- Bonds, payments, motor vehicle fuel tax, allocation provision, SB 912.
- Gas tax, one-half cent increase, trust account allocation, SB 734.
  - Urban arterial trust account insufficiency, allocation provision, \*HB 759, CH. 291 EX. PV.

## URBAN RENEWALS:

- Economic opportunity act, programs, local, state participation, provisions, \*HB 430, CH. 177 EX.

## URIE, HERBERT C.:

- Lower Columbia community college, trustee board member,
  - appointment, confirmation, \*\*GA 66 . . . . . pp. 1020, 1084, 1304

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## U.S. MAIL:

Motor vehicle notices, orders, first class mail requirements, SB 282.

## UTILITIES AND TRANSPORTATION:

Appropriation, highway grade crossing protective program, administration, \*Sub HB 510, CH. 290 EX. PV.

Brazier, Donald H., Jr., commission chairman, appointment, confirmation, \*\*GA 56 . . . . . pp. 105, 589, 898

Communication utilities, use, gambling activities, reporting provisions, SB 794.

Joint committee, banking, insurance and transportation, joint committee created, duties, SB 668.

Joint interim committee, banking, insurance, utility regulation, established, duties, \*SCR 32.

Liquor premises, licensed, gambling activities, communication facilities removal, license suspension mandatory, SB 832.

Motor carrier, commercial zones, terminal areas, municipalities, establishment, SB 664.

Utilities, title only, SB 667, SB 669.

## VANCOUVER:

Highway, to Ridgefield, planning, construction, SB 306.

## VENDORS:

Advisory committee, governor's, membership increased, \*SB 257, CH. 87 EX.

Committee, governor's advisory, public assistance special programs, service, payment rate establishment, \*Sub HB 915, CH. 309 EX.

Prophylactic, law, repealed, SB 768.

Public assistance, recipients care, services, payments, increase provisions, SB 407.

Vendor rate committee, powers, duties, expended, \*SB 408, CH. 298 EX. PV.

## VENEREAL DISEASE:

Advertising, treatment, medicine, prohibition removed, SB 505, \*HB 853, CH. 185 EX.

## VETERANS:

Bonuses, fund change provisions, SB 263.

Funds, excess, transfer to general fund, provision, \*Sub SB 897, CH. 299 EX. PV.

Education, spouses, children, residence requirements waived, SB 12.

Employment, state, tests, preference points, schedule revised, SB 308.

Executor, guardian, social and health services secretary, designation, SB 145.

Inheritance tax, military retirement annuities, exempt, HB 61.

Layoffs, reemployment, state preference, seniority credits, provisions, HB 1059, \*SB 857, CH. 19 EX.

Motor vehicles, licenses, certain disabled veterans, issuance, free, \*HB 1072, CH. 193 EX.

Organizations, certain, employees, retirement credits, state system transfer, authorized, SB 778.

Pension, remuneration, unemployment compensation purposes, excluded, SB 864.

Preference, layoffs, reemployment, seniority credit computation, SB 566.

Veterans' affairs, title only, SB 729.

Viet Nam, bonuses, payment, SB 6.

## VETOES: (see also Governor, also Daniel J. Evans)

Governor, entire sections, appropriation items, limitations, SJR 14.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Governatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## VICE PRESIDENT PRO TEMPORE:

- Keefe, Senator James E., nominated, elected,  
oath of office administered . . . . . pp. 6-7
- Peterson, Senator Ted G., nominated . . . . . p. 6

## VIET NAM:

- Prisoners, candlelight service, \*SCR 8.
- War, release efforts, petitioned, \*HJM 4.
- Veterans, bonuses, payment, SB 6.

## VOCATIONAL EDUCATION:

- Council, advisory, executive director, appointment provision, HB 604.
- Definitions, commonly used terms, uniform, provisions, HB 490, SB 530, \*HB 491, CH. 285 EX. PV.
- Needs, services, funding, comprehensive study, \*SCR 23.
- Occupational education coordinating council, duties, HB 634.
- Programs, implementation, rules, regulation, state board adoption, SB 539.
- School district implementation, rules, regulations, SB 692, \*HB 491, CH. 285 EX. PV.
- School programs, district implementation, state education board rules, regulations, SB 539.
- Title only, SB 533, SB 536.
- Unemployment compensation, certain students, eligibility benefits restriction provisions, HB 996.
- Vocational education act, title only, SB 534.

## VOCATIONAL REHABILITATION:

- Funds, school, federal, state, comprehensive unified distribution, study, \*SCR 2.
- Industrial insurance, training program, compensation, continued payment authorized, \*SB 68 VETOED.

## VOTERS AND VOTING: (see also Elections)

- Ballots, absentee, precinct, committeemen candidates, names included, SB 554.
- Candidates, write-in nominations, minimum vote reduced, HB 427.
- Eighteen year olds, special voters, national elections, SB 699, \*Sub HB 433, CH. 178 EX.
- Elections, primary, open state, provisions, SB 479.
- English language, reading requirement, repealed, HJR 30.
- Indians, voting franchise, restriction removed, HJR 30.
- Pamphlets, Initiative 43, comparative maps, captions, included, HB 463(a).
- Photographs, statements, space, contents, costs, general revisions, SB 343, \*HB 364, CH. 145 EX.
- Precinct committeemen, name on ballot, twice permitted, \*HB 245, CH. 18.
- Registrar, chief, county auditor, official records, custodian duties, provisions, SB 583, \*HB 372, CH. 202 EX.
- Registration, qualifications, requirements revised, SB 583, \*HB 372, CH. 202 EX.
- Registration records, electronic, automatic data processing systems, secretary of state, uniform regulations, provisions, SB 583, \*HB 372, CH. 202 EX.
- General revisions, SB 583, \*HB 372, CH. 202 EX.
- Regulation lists, use, commercial purposes, prohibited, SB 583, \*HB 372, CH. 202 EX.
- Residency, time requirements, reduced, HJR 30.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

VOTERS AND VOTING—Continued:

- Voting age, reduced to 18, HJR 30, HJR 30(a).
- Eighteen, right to vote, SB 400.
- Eighteen, U.S. constitutional amendment, ratification, \*HJM 15, \*SJR 36.
- Voting devices, candidates' names, listing order, provisions, SB 198, \*HB 215, CH. 6 EX.
- Tally systems, use, all elections, all counties, authorized, SB 198, \*HB 215, CH. 6 EX.
- First class county, use, SB 96.
- Use, election officer instruction, \*HB 242, CH. 124 EX.

WAHAKIYAKUM COUNTY:

- Puget Island-Westport ferry system, maintenance, operation payments, authorized, HB 356(a), \*SB 567, CH. 254 EX.
- Payments authorized, HB 356, SB 173.

WALGREN, SENATOR GORDON L.:

- Personal privilege, welcome, Senator Charles Elicker . . . . . p. 12
- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

WALLA WALLA COMMUNITY COLLEGE:

- Baker, Tom, trustee board member, appointment, confirmation, \*\*GA 65 . . . . . pp. 1020, 1085, 1304
- James, Leslie W., trustee board member, appointment, confirmation, \*\*GA 53 . . . . . pp. 105, 901, 1302

WARD BOWDEN SCHOLARSHIP FUND:

- Presentation by trustee of fund, check to The Evergreen State College . . . . . p. 1154

WAREHOUSES:

- Public, hay, open air yards, definition expanded, \*HB 558, CH. 65.

WARRANTIES:

- Blood transfusions, liability, immunity provisions, \*HB 157, CH. 56.
- Merchandise, defective, warranty, cash payments provisions, SB 604.

WARRANTS—FISCAL:

- Airports, revenue, municipal issuance, authorized, SB 218, \*HB 403, CH. 176 EX.
- County, uncalled, one-year cancellation provision, \*HB 44, CH. 120 EX.
- State, registered, redemption, insufficient funds, payment calls, provisions, \*SB 862, CH. 88 EX.

WARRANTS—POLICE:

- Arrest, officer possession not required, issuance statement provision, SB 438.
- Search, justice court issuance authorized, SB 438.

WASHINGTON, SENATOR NAT W.:

- Reply to protest, SFR 39 . . . . . pp. 783-785
- Repudiating SFR 18 . . . . . p. 409

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
 \*\*Appointment confirmed.  
 GA—Gubernatorial Appointment.  
 SFR—Senate Floor Resolution.  
 (a)—Amendment to original bill.

## WASHINGTON STATE ASSOCIATION OF COUNTY COMMISSIONERS:

Counties, state association, name change, \*HB 738, CH. 85 EX.

## WASHINGTON STATE UNIVERSITY:

Dederer, Michael, member board of regents,  
 appointment, confirmation, \*\*GA 79 . . . . . pp. 1022, 1319, 1614  
 Hahner, H. H. "Dutch", member board of regents,  
 appointment, confirmation, \*\*GA 80 . . . . . pp. 1023, 1319, 1615  
 Public lands, certain, Skagit, Whitman counties, sale, lease authorized, \*HB 391, CH. 228  
 EX.

## WASHROOMS:

Segregation, sex basis, employment locus, provision, SB 7, \*2nd Sub HB 594, CH. 81  
 EX.

## WATER: (see also Tidelands, also Shorelands and Shorelines)

Districts, cities, towns, acquisition provisions, SB 270, \*Sub SB 542, CH. 272 EX.  
 County-wide sewer and water, provisions, SB 675.  
 Jurisdiction, city assumption, rules established, SB 85, \*Sub SB 85, CH. 95 EX.  
 Life insurance, employees, commissioners, authorized, SB 526.  
 Sewer districts, mergers permitted, \*HB 567, CH. 146 EX.  
 Water, rates, services, facilities, across boundaries, unincorporated areas, review,  
 \*Sub SB 139, CH. 96 EX.  
 State lands, assessments authorized, \*SB 314, CH. 234 EX.  
 Ecology department, water, air resources program, integration, HB 480.  
 Fisheries, coastal, jurisdiction limit extension, petitioned, \*SJM 1.  
 Ground, public, defined, small, withdrawal provisions, SB 571.  
 Industrial waste discharges, reporting, disclosure provisions, \*Sub HB 595, CH. 160 EX.  
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 Litters, game protectors, arrest powers, \*HB 113, CH. 173 EX.  
 Management, use, local government functions, study, HB 278.  
 Marine mammals, certain, protected, HB 123, SB 184, SB 816, \*HB 106, CH. 166 EX.  
 Navigable, obstructions, title only, SB 528.  
 Sales, leases, natural resources department, expenses, allowable reimbursement,  
 income percentage provisions, \*HB 477, CH. 224 EX.  
 Pollution control facilities construction, appropriation, \*HB 832, CH. 20 EX.  
 Port districts operation, provisions, SB 771.  
 Pollution, local governmental sewerage systems, waste disposal, permits requested, HB  
 903.  
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 Shoreline areas, comprehensive act, SB 174.  
 Shoreline management act, SB 584, \*Sub HB 584, CH. 286 EX. PV.  
 Salt, fresh water use, development, regulation, INT 43 . . . . . p. 166  
 State, inventory, navigability determination, SB 336.  
 Oil discharges, prevention, control, provisions, SB 483, \*Sub HB 655, CH. 180 EX.  
 Plan, resources development, management, provisions, \*HB 394, CH. 225 EX.  
 Systems, public utility districts, sale, without voter approval, provisions, HB 708.

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.



## WATER—Continued:

- Tidelands, shorelands, certain, state, leases only, provisions, SB 178.
- Sale, lease provisions, SB 112, \*HB 40, CH. 217 EX.
- Utilities, general plans, facilities, description, technical feasibility provisions, inclusion, SB 139, \*Sub SB 139, CH. 96 EX.
- Well contractors, operators, licenses, regulation, \*HB 495, CH. 212 EX.
- Wood fibre debris, state tidal waters, removal provisions, HB 204.

## WATER DISTRICTS:

- Cities, towns, acquisition provisions, SB 270, \*Sub SB 542, CH. 272 EX.
- Formation, reorganization, county approval, SB 99, \*Sub HB 142, CH. 139 EX.
- Mergers, sewer districts, permitted, \*HB 567, CH. 146 EX.
- Oil tankers, pilot, navigation requirements, pollution control, violations reporting provisions, SB 557.
- Service, outside existing boundaries, notice of intention, filing requirement, SB 100, \*HB 133, CH. 127 EX.

## WEAPONS: (see also Firearms)

- Firearms, use, limitations, SB 462.
- Minors, under 14, firearms, supervision, use permitted, \*SB 141, CH. 34.
- Pistols, convicted individuals, ownership, possession, prohibited, SB 430, \*Sub SB 441, CH. 302 EX. PV.
- Snowmobiles, loaded weapons, carrying, crime, \*SB 156, CH. 29 EX.

## WEEDS AND WEED CONTROL:

- Pesticide regulation, control board established, SB 498, \*HB 540, CH. 190 EX.
- Weed districts, assessments, highway rights-of-way, motor vehicle fund, payment provision, \*SB 883, CH. 119 EX.

## WEIGHT REDUCING SALONS:

- Membership contracts, cancellation provisions, SB 482.

## WEINSTEIN, LAWRENCE:

- Grays Harbor community college, trustee board member, appointment, confirmation, \*\*GA 69 . . . . . pp. 1021, 1085, 1305

## WELLS:

- Water, contractors', operators' licenses, regulation, \*HB 495, CH. 212 EX.

## WENATCHEE VALLEY COMMUNITY COLLEGE:

- Kitner, Dr. Robert M., trustee board member, appointment, confirmation, \*\*GA 47 . . . . . pp. 104, 900, 1301
- Wilson, Mrs. Marilyn, trustee board member, appointment, confirmation, \*\*GA 73 . . . . . pp. 1021, 1084, 1306

## WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION:

- Furman, James, member, appointment, confirmation, \*\*GA 13 . . . . . pp. 98, 1085, 1465

## WESTERN WASHINGTON STATE COLLEGE: (see also Colleges and Universities)

- Comfort, Patrick C., trustee board member, appointment, confirmation \*\*GA 28 . . . . . pp. 100, 1544, 1782

\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.

\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

WESTPORT, OREGON:

Puget Island ferry system, maintenance, operation payments, authorized, HB 356(a), \*SB 567, CH. 254 EX.  
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WHATCOM COMMUNITY COLLEGE:

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appointment, confirmation, \*\*GA 74 . . . . . pp. 1022, 1084, 1306

WHATCOM COUNTY:

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WHITE CANE LAW:

Blind persons, using guide dog, road crossings, traffic right-of-way, SB 632, \*HB 357, CH. 77 EX.

WHITMAN COUNTY:

Public lands, Washington State University sales, leases, authorized, \*HB 391, CH. 228 EX.

WHITTAKER, JAMES W.:

Parks and recreation commission, member,  
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WILDLIFE:

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Animals, birds, any nondomesticated species, importation regulation, SB 460.  
Game, nondomestic, importation, release, regulation, SB 55.  
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Wild, captivity, protection provision, SB 350.  
Dangerous, deleterious to environment, native fish, wildlife, possession, sale, prohibited, \*HB 106, CH. 166 EX.  
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Snowmobiles, animals, harassing, hunting, crime, \*SB 156, CH. 29 EX.

WILLIAMS, J. JOY:

Tax appeals board, member,  
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\*Indicates bills passed by both Senate and House; also Floor Resolutions adopted.  
\*\*Appointment confirmed.  
GA—Gubernatorial Appointment.  
SFR—Senate Floor Resolution.  
(a)—Amendment to original bill.

**WILLS:**

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Guardians, \*SB 10, CH. 28.

**WILSON, MRS. MARILYNN:**

Wenatchee Valley community college, trustee board member,  
appointment, confirmation, \*\*GA 73 . . . . . pp. 1021, 1084, 1306

**WILSON, SENATOR BRUCE A.:**

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Salesmen, sale canvassing, certificate of approval, \*HB 115, CH. 138 EX.

**WIRE AND WIRING:**

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Underground wiring, electrical, communication facilities, installation, costs provision,  
\*SB 164, CH. 103 EX.

**WITNESSES:**

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Debris, wood fibre, state tidal waters, removal provisions, HB 204.  
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**WOOD, BEN, JR.:**

Shoreline community college, trustee board member,  
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\*\*Appointment confirmed.  
GA—Governatorial Appointment.  
SFR—Senate Floor Resolution.  
(a)—Amendment to original bill.

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- Pollution control hearing board, member,  
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## WORKMEN'S COMPENSATION:

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## WRECKERS:

- Motor vehicles, license denials, revocations, departmental order provision, \*SB 49, CH. 7  
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## YAKIMA COMMUNITY COLLEGE:

- de LaChappelle, Charles, trustee board member,  
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 Mottley, Mrs. Ruth F., trustee board member,  
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- Hay, open air, public warehouse definition, inclusion, \*HB 558, CH. 65.

## YOUNG, ANDREW:

- Community college education board, member,  
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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.

## YOUTH—Continued:

- Eighteen year olds, legal majority, certain purposes, provisions, HJR 30(a), SB 375, \*Sub HB 309, CH. 292 EX. PV.
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- Motion pictures, X or R ratings, attendance under 19, prohibited, SB 140.
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- Voting age, reduced to 18, HJR 30, HJR 30(a).
- Eighteen, national elections, special voters, provisions, SB 699, \*Sub HB 433, CH. 178 EX.
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\*\*Appointment confirmed.

GA—Gubernatorial Appointment.

SFR—Senate Floor Resolution.

(a)—Amendment to original bill.